

By Mr. TEMPLE: Petition signed by residents of New Castle, Pa., favoring House bill 5407, the osteopathic bill; to the Committee on Military Affairs.

Also, petition signed at a public missionary meeting held in New Castle, Pa., November 12, 1918, favoring an antipolygamy amendment to the Constitution of the United States; to the Committee on the Judiciary.

## SENATE.

TUESDAY, December 3, 1918.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we seek inspiration and wisdom for the great office of Senator from Thee, the author of all truth and the guide of those who put their trust in Thee. Grant us this day so to have Thee in mind and Thy presence to guide and inspire us as that the duty done may bring the largest measure of prosperity and happiness and peace to the people whom we serve. For Christ's sake. Amen.

JOSEPH T. ROBINSON, a Senator from the State of Arkansas; EDWIN S. JOHNSON, a Senator from the State of South Dakota; and JOHN S. WILLIAMS, a Senator from the State of Mississippi, appeared in their seats to-day.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. LODGE and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

### SENATOR FROM GEORGIA.

The VICE PRESIDENT. The Chair lays before the Senate the credentials of Hon. W. J. HARRIS, a Senator elect from the State of Georgia, which will be inserted in the RECORD and placed on the file.

The credentials are as follows:

Executive Department, Atlanta.

STATE OF GEORGIA,

EXECUTIVE DEPARTMENT,

November 27, 1918.

### TO THE PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 5th day of November, 1918, Hon. W. J. HARRIS was duly elected by the qualified electors of the State of Georgia Senator from said State to represent said State in the Senate of the United States for a term of six years, beginning the 4th day of March, 1919.

In witness whereof, I have hereunto set my hand and caused the great seal of the State to be affixed at the Capitol in Atlanta this, the 27th day of November, in the year of our Lord 1918 and of the independence of America the one hundred and forty-third.

HUGH M. DORSEY,  
Governor.

By the Governor:  
[SEAL.]

H. B. STRANGE,  
Secretary of State.

### ENLARGEMENT OF THE CAPITOL GROUNDS (H. DOC. NO. 1498).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, information relative to any building or buildings or vacant land that may be acquired under the provisions of the sundry civil acts of June 17, 1910, and March 4, 1911, or subsequent acts, for the enlargement of the Capitol Grounds, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

### REPORT OF THE PUBLIC PRINTER (S. DOC. 306).

The VICE PRESIDENT laid before the Senate the annual report of the Public Printer for the fiscal year ended June 30, 1918, which was referred to the Committee on Printing and ordered to be printed.

### THE GOVERNMENT PRINTING OFFICE.

The VICE PRESIDENT laid before the Senate a communication from the Public Printer, stating, pursuant to law, that the average number of employees of the Government Printing Office to receive increased compensation at the rate of \$120 is 5,131, and that one employee receives increased compensation at the rate of \$20 per annum, which was referred to the Committee on Appropriations and ordered to be printed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a bill (H. R. 13153) extending the time for the construction of a bridge across the Arkansas River, at the foot of Garrison Avenue, at Fort Smith, Ark., in which it requested the concurrence of the Senate.

### CASE OF LITHUANIA FOR INDEPENDENCE (S. DOC. 305).

Mr. LODGE. Mr. President, I have here a statement of the case of Lithuania for independence. It has been presented by a

committee representing the Lithuanian associations in this country. Lithuania is a country for which, I am sure, anyone who has examined the facts feels the deepest sympathy, which I hope will be given independent government and freedom in the terms of peace. I desire to present in their behalf to the Senate their case for independence, as they call it, and ask that it be printed as a public document and be referred to the Committee on Foreign Relations.

The VICE PRESIDENT. Without objection, it is so ordered.

### PETITIONS AND MEMORIALS.

Mr. KELLOGG. I send to the desk a petition signed by the president and vice president of the American Bar Association, asking for increased salaries for Federal circuit and district judges. I move that it be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. COLT presented a petition of the Men's Community Club of Washington Park, Providence, R. I., praying that there be no amelioration in the terms of peace imposed upon the German people, and that full and complete just punishment of a people who have applauded every new outrage perpetrated by their fiendish masters, which was referred to the Committee on Foreign Relations.

Mr. LODGE presented a petition of the congregation of the First Parish Church of Cambridge, Mass., praying for the establishment of a league of nations, which was referred to the Committee on Foreign Relations.

Mr. NELSON presented a memorial of the Marshall, Wells Co., of Duluth, Minn., remonstrating against the 10 per cent tax on guns and ammunition as proposed in the pending revenue bill, which was referred to the Committee on Finance.

He also presented the memorial from John C. Sweet, of Minneapolis, Minn., and the memorial of L. N. Scott, of St. Paul, Minn., remonstrating against an increased tax on amusements as proposed in the pending revenue bill, which were referred to the Committee on Finance.

Mr. LEWIS. I present a resolution in the nature of a petition adopted by the City Council of Chicago, Ill., on November 18, 1918, favoring the passage of the bill designating November 14 as a national holiday to be known as "Armistice Day." I move that the resolution be referred to the Committee on the Judiciary.

The motion was agreed to.

### BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MYERS:

A bill (S. 5071) extending the benefits of sections 2304, 2305, and 2309, Revised Statutes of the United States, to those who rendered military or naval service during the Mexican border troubles and the war with Germany and its allies; to the Committee on Public Lands.

By Mr. STERLING:

A bill (S. 5072) to amend chapter 6, part 1, of volume 38, United States Statutes at Large, Sixty-third Congress, entitled "An act providing for mediation, conciliation, and arbitration in controversies between certain employers and their employees," approved July 15, 1913; to the Committee on Interstate Commerce.

By Mr. SMOOT:

A bill (S. 5073) to provide for Federal aid to good roads, to permit the several States to utilize the superior credit of the United States in raising road construction funds, to aid the States in maintenance of roads, to establish a national academy of highway and bridge engineering, and to create a national highway commission; to the Committee on Post Offices and Post Roads.

By Mr. POINDEXTER:

A bill (S. 5074) to make the land and personal property of John Bonomache, Indian, liable to execution upon judgment of Superior Court of the State of Washington, County of Spokane, in the case of Louise Flettermann v. John Bonomache; to the Committee on Indian Affairs.

A bill (S. 5075) requiring first-class letter mail to be stamped with stamp indicating day and hour of its receipt; to the Committee on Post Offices and Post Roads.

A bill (S. 5076) for comparative tariffs on shingles and lumber; to the Committee on Finance.

By Mr. THOMAS:

A bill (S. 5077) to provide for the creation of Federal railroad companies, to establish a more effective supervision of railroads in the United States, and for other purposes; to the Committee on Interstate Commerce.

By Mr. NORRIS:

A bill (S. 5078) granting an increase of pension to James C. Daly; to the Committee on Pensions.

By Mr. COLT:

A bill (S. 5079) granting a pension to Carrie M. Birdsall (with accompanying papers); to the Committee on Pensions.

By Mr. GORE:

A bill (S. 5080) to provide for the acquisition of a site and the erection thereon of a public building at Cordell, Okla.;

A bill (S. 5081) to provide for the acquisition of a site and the erection thereon of a public building at Hugo, Okla.;

A bill (S. 5082) to provide for the acquisition of a site and the erection thereon of a public building at Clinton, Okla.;

A bill (S. 5083) to provide for the acquisition of a site and the erection thereon of a public building at Elk City, Okla.; and

A bill (S. 5084) to provide for the acquisition of a site and the erection thereon of a public building at Idabel, Okla.; to the Committee on Public Buildings and Grounds.

#### FEDERAL RAILROAD COMPANIES.

Mr. THOMAS. I wish to introduce a bill prepared by Mr. W. W. Cook, of the New York bar, and the author of a work upon corporations. It is a bill for the creation of Federal railroad companies and for their regional classification, somewhat along the lines presented by the suggestions of the President yesterday. It has been very carefully and thoughtfully prepared, and I ask to have it printed in the Record and referred to the Committee on Interstate Commerce.

The bill (S. 5077) to provide for the creation of Federal railroad companies, to establish a more effective supervision of railroads in the United States, and for other purposes, was read twice by its title, referred to the Committee on Interstate Commerce, and ordered to be printed in the Record, as follows:

A bill (S. 5077) to provide for the creation of Federal railroad companies, to establish a more effective supervision of railroads in the United States, and for other purposes.

Be it enacted, etc., That wherever the words "Federal railroad company" are used in this act the words shall be construed to refer to each of the five corporations to be organized under this act as herein provided.

The words "Federal railroad board" used in this act shall be construed to mean the board of six members herein provided for.

The words "secretary of railroads" used in this act shall be construed to be the head, at the seat of government, of an executive department to be known as the department of railroads, said head to be appointed by the President, by and with the advice and consent of the Senate. Said appointee shall receive a salary of \$12,000 per annum and his term and tenure of office shall be uniform with other members of the Cabinet.

#### FEDERAL RAILROAD DISTRICTS.

SEC. 2. That continental United States, excluding Alaska, is hereby divided into five districts, to be known as New England railroad district, central railroad district, southern railroad district, northwestern railroad district, and Central Pacific railroad district.

The New England railroad district shall include the New York, New Haven & Hartford Railroad system and all other railroads in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut not controlled by any railroad system in another Federal railroad district.

The central railroad district shall include the Pennsylvania Railroad system, New York Central Railroad system, Erie Railroad system, Baltimore & Ohio Railroad system, Chesapeake & Ohio Railroad system, and all other railroads in the States of Illinois, Indiana, Ohio, Michigan, Pennsylvania, New Jersey, and New York not controlled by any railroad system in another Federal railroad district.

The southern railroad district shall include the Southern Railroad system and Illinois Central Railroad system and all other railroads in the States of Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Kentucky, West Virginia, and Mississippi, and the District of Columbia not controlled by any railroad system in another Federal railroad district.

The northwestern railroad district shall include the Chicago, Milwaukee & St. Paul Railroad system, the Chicago & Northwestern Railroad system, the Northern Pacific Railroad system, the Great Northern Railroad system, and all other railroads in the States of Wisconsin, Minnesota, North Dakota, South Dakota, Montana, Wyoming, Idaho, Oregon, and Washington not controlled by any railroad system in another Federal railroad district.

The Central Pacific railroad district shall include the Union Pacific Railroad system, the Atchison, Topeka & Santa Fe Railroad system, the Southern Pacific Railroad system, and all other railroads in the States of Iowa, Nebraska, Kansas, Missouri, Arkansas, Louisiana, Texas, Oklahoma, Colorado, New Mexico, Arizona, Utah, Nevada, and California not controlled by any railroad system in another Federal railroad district.

Any question which may arise as to whether a particular railroad is included within any particular Federal railroad district shall be decided by the Federal railroad board.

#### FEDERAL RAILROAD COMPANIES.

SEC. 3. That the Federal railroad board shall supervise the organization in each of the said districts of a Federal railroad company by nine individuals in each district selected by the Federal railroad board, and thereupon such individuals in each district shall under their seals make an organization certificate which shall specifically state the name of such Federal railroad company, the territory and extent of the district as defined by States in section 2 of this act, the city and State in which its principal office is to be located in said district, the amount of capital stock (\$9,000), and the number of shares into which the same is divided (\$10 each), and the number of shares subscribed for by each incorporator (100). The said organization certificate shall be acknowledged before a judge of some court of record or notary public, and shall be, together with the acknowledgment thereof, authenticated by the seal of said court or notary, transmitted to the secretary of railroads, who shall file, record, and preserve the same in his office. Upon the filing of such certificates with the secretary of railroads, as

aforesaid, each of the said Federal railroad companies shall become a body corporate, and as such and in the name designated in such organization certificate shall have power—

First. To adopt and use a corporate seal; to have succession in perpetuity, unless it is sooner dissolved by an act of Congress or unless its franchise becomes forfeited by some violation of law; to make contracts; to sue and to be sued in any court of law or equity; to appoint by its board of directors such officers and employees as are not otherwise provided for in this act, to define their duties, require bonds of them and fix the penalty thereof, and to dismiss at pleasure such officers or employees; to prescribe by its board of directors by-laws not inconsistent with law, regulating the manner in which its general business may be conducted, and to privileges granted to it by law may be exercised and enjoyed; to exercise such incidental powers as shall be necessary to carry out the purposes of this act.

Second. To acquire, hold, and exercise the power of ownership of any or all of the shares of the capital stock and bonds and other obligations of any or all railroad companies within its district as aforesaid; also to construct, acquire, maintain, and operate railroads within its district; also to issue shares of its capital stock from time to time, either for cash or in exchange for shares of stock or bonds or other obligations of any and all railroad corporations within its district, on such basis of exchange as may be authorized by its board of directors; also to issue shares of its capital stock from time to time for such purposes (including its own expenses and disbursements) connected with or incidental to the control, acquisition, construction, management, use, and development of railroads, railroad business, and railroad stock, bonds, or other obligations already issued or hereafter to be issued by railroad companies within its district (including the issue of Federal railroad company stock, to provide money to enable any railroad company in its district to pay or purchase outstanding obligations or to pay for past or future improvements, equipment, or extensions, stock of such railroad company being issued to the Federal railroad company in consideration of such money), as may be determined by its board of directors; also to exercise the power, which is hereby given to it, of eminent domain, to acquire any shares of the capital stock or bonds or other obligations of any and all railroad corporations within its district or to acquire any railroads themselves or railroad property or property for railroad purposes, in its district whenever in its opinion it is necessary or advantageous to it to do so by condemnation under judicial process, and the United States district court or courts of the district wherein such stock or property is located shall have jurisdiction of proceedings for such condemnation. The practice, pleadings, forms, and modes of proceedings in causes arising under the provisions of this act shall conform, as near as may be, to the practice, pleadings, forms, and proceedings existing at the time in like causes in the courts of record of the State within which such district courts are held, any rule of the court to the contrary notwithstanding.

Third. To vote its own holdings of stock and to solicit proxies from other stockholders to vote their holdings of stock in any railroad corporation in its district, and such vote of such stock and proxies by the Federal railroad company for directors in said railroad corporation or corporations shall be limited to persons who shall have resided within the district for at least nine months in each of the five years prior to the election, and have been actively engaged during said five years in the district in commerce, agriculture, or some other industrial pursuit, or in the practice of a profession.

SEC. 4. That at least six members of the board of directors of each Federal railroad company shall for at least nine months of each of the preceding two years have resided in the district in which they have been chosen directors. No Senator or Representative in Congress shall be an officer or director of a Federal railroad company. No director of a Federal railroad company shall be an officer, director, or employee of any other railroad company. Any director of any Federal railroad company may be removed at any time for cause by the Federal railroad board. The board of directors of each Federal railroad company shall consist of nine members, all of whom shall be appointed by the Federal railroad board. Protests by stockholders or by the public shall be open to public inspection. Vacancies from any cause in the boards of directors of any Federal railroad company shall be filled by the Federal railroad board. The directors of each Federal railroad company shall receive such compensation as the board of directors of the Federal railroad board, in advance in each instance, subject to the approval of the Federal railroad board. The board of directors of each Federal railroad company shall at its first meeting (after its first board retires from office) designate three directors to serve one year from the next 1st day of January, and three for two years, and three for three years, and thereafter all directors shall hold office for three years. Each Federal railroad company shall every three months make a full report of its operations to the Speaker of the House of Representatives, who shall cause the same to be printed for the information of the Congress.

#### STOCK ISSUES AND GUARANTY OF DIVIDENDS.

SEC. 5. That the capital stock of each Federal railroad company shall be divided into shares of \$10 each. The outstanding capital stock may be increased from time to time as authorized by the board of directors. When the capital stock of any Federal railroad company shall have been increased the board of directors shall cause to be executed a certificate to the secretary of railroads showing the increase of capital stock. The shares shall be represented by certificates which shall be transferable.

SEC. 6. That dividends on the stock of each Federal railroad company shall not exceed 6 per cent.

SEC. 7. That the United States Government hereby guarantees the payment of 3 per cent dividends on the shares of the stock of the several Federal railroad companies, and the Secretary of the Treasury is hereby authorized and directed to sign the name of the United States of America to a guaranty to that effect on the face of the certificates of stock issued by the corporation (the guaranty on canceled certificates to be canceled when the certificates are canceled by transfer), the form of said guaranty to be as follows:

"The United States of America hereby guarantees to the record holder of this certificate of stock the payment by the Federal railroad company issuing the same 3 per cent annual dividends on the shares of the capital stock represented by this certificate payable semiannually on the 1st days of January and July of each year after the date of this guaranty.

"If at any time the United States of America by act of Congress ceases to pay said guaranty, the United States of America shall pay to the holders of said certificates of stock the price at which they were originally issued or the value at the time of issue of the property for which they were originally issued."

The said guaranteed rate of dividend may be varied by Congress from time to time, but not as to any issue already made.

SEC. 8. That the United States Government shall be entitled to all the profits of the several Federal railroad companies in excess of said 6 per cent dividends, and shall apply such excess profits to extensions



and improvements, or purchase of railroad bonds or stock, or reduction of rates, or retirement of stock issued hereunder, or for any other purpose said Government may deem best in connection with the railroads.

SEC. 9. That national banks and Federal reserve banks may invest and deal in the shares of stock of the said Federal railroad companies or any of them, and such shares may be transferred to and deposited with the Treasurer of the United States in lieu of United States bonds as prescribed by sections 5159 to 5189, inclusive, of the Revised Statutes of the United States as amended, and by section 4, subdivision 8, of the Federal reserve act, and may be deposited with the Treasurer of the United States as security for deposits by said Treasurer of funds of the United States in national banks, and may be deposited as security for and in accordance with the act of Congress of May 30, 1908, amending the national banking laws. The board of trustees, established by act of Congress of June 25, 1910, to establish postal savings depositories, may invest postal-savings funds in such shares as securities of the United States within the meaning of that act. Said shares of the capital stock of said Federal railroad companies or any of them shall be receivable at part as a satisfactory collateral security for Federal reserve notes and as a reserve available as eligible paper under the Federal reserve act and as investments by Federal reserve banks.

SEC. 10. That the Federal railroad companies shall proceed with all reasonable dispatch to acquire sufficient of the outstanding capital stock of the Pennsylvania; New York Central; Illinois Central; Chicago, Milwaukee & St. Paul; Chicago & North Western; Union Pacific; Atchafalaya, Topeka & Santa Fe, and Southern Pacific Railroad systems, to control those railroad companies; each Federal railroad company so to acquire the stock of any said railroad system or systems within its district. Such acquisition may be by purchase or by exchange of Federal railroad company's stock for the stock of said railroad system or systems, or by condemnation proceedings.

#### FEDERAL RAILROAD BOARD.

SEC. 11. That a Federal railroad board is hereby created, which shall consist of six members, one to be the secretary of railroads and the remaining five members to be appointed by the President of the United States, by and with the advice and consent of the Senate. In selecting the said five members of the Federal railroad board not more than one shall be selected from any one Federal railroad district. The said five members shall devote their entire time to the business of the Federal railroad board and shall each receive an annual salary of \$12,000, payable monthly, together with actual necessary traveling expenses. In addition to the salaries hereinbefore provided for, each of said six members shall each year receive \$10,000 for each and every one of said five Federal railroad companies which pays its guaranteed dividend without resort to the guarantor, each year being taken by itself. No Senator or Representative in Congress shall during his term of office, or for five years thereafter, be a member of the Federal railroad board. The members of the said board shall be ineligible during the time they are in office and for two years thereafter to hold any office, position, or employment in any railroad company, and shall not during that time hold or own stock therein. At least one of said five members shall be a person experienced in the management and operation of railroads. One member shall be designated by the President to serve for 2 years, one for 4, one for 6, one for 8, and one for 10 years, and thereafter each member so appointed shall serve for a term of 10 years unless removed for cause by the President. Whenever a vacancy shall occur, whether by expiration of term or otherwise, among the said five members of the Federal railroad board, a successor shall be appointed by the President with the advice and consent of the Senate to fill such vacancy. The President shall have power to fill all vacancies that may occur on the Federal railroad board during the recess of the Senate by granting commissions which shall expire 30 days after the next session of the Senate convenes. Of the five members thus appointed, one shall be designated by the President as governor and one as vice governor of the Federal railroad board. The governor of the Federal railroad board, subject to its supervision, shall be the active executive officer. A majority of the members at a meeting duly called shall constitute a quorum, and a majority of those present at such meeting shall be sufficient for affirmative action. The salaries and expenses of the Federal railroad board shall be paid by the Federal railroad companies in proportion to the respective outstanding capital stock of each from time to time. The Federal railroad board shall annually make a full report of its operations to the Speaker of the House of Representatives, who shall cause the same to be printed for the information of the Congress. The Federal railroad board shall have power to examine at its discretion the accounts, books, and affairs of each Federal railroad company and to require such statements and reports as it may deem necessary, and shall at all times furnish full information to the public regarding its operations and the operations of each Federal railroad company.

SEC. 12. That said Federal railroad board is hereby given the power to fix and determine all interstate railroad rates and service, and also such intrastate rates and service as Congress has the power to regulate under the Constitution of the United States. No State or State commission or other State authority shall fix, determine, or regulate any rates, service, or operation of railroads owned by any of said Federal railroad companies.

SEC. 13. That no stock shall be issued by any Federal railroad company except after the approval thereof by the Federal railroad board, which board shall also first approve the use to be made of such stock and the terms of its issue. All financial operations of every Federal railroad company shall be approved by the Federal railroad board before becoming effective.

SEC. 14. That this act may be altered from time to time or repealed.

#### ENLARGED HOMESTEADS.

Mr. JONES of New Mexico. Mr. President, I introduce a bill to provide for extending the rights of stock-raising homesteaders. I desire to call attention at this time to the bill, so that it may have the attention of Senators interested in the subject, and that it may also receive attention from the people at large.

Under the existing law no more than one section of land can be taken up as a homestead. It is well known that in many sections of the country this is not sufficient area to enable the homesteaders to make a living. I have thought for some time that some provision should be made to extend the rights of these homesteaders, and I am introducing this bill for the purpose of extending to such homesteaders the right during the period

when they are complying with the homestead law to lease additional areas of land, and at the conclusion of the acts to be performed in order to acquire title to the homestead they may have an option to purchase the lands which may be leased in the meantime.

The area to be leased and also to be optioned to the homesteader I have left blank, so that the people throughout the western country and the members of the Public Lands Committee may give to that question their best consideration and judgment.

There are some other provisions in the bill which likewise need to be carefully considered. That the country may be invited to consider the provisions of the bill, I am going to ask that it be printed in the RECORD.

I may say that this is a time when we should provide homes for the returning soldiers, and that we should have those homes of such an extent that the soldiers can make a good living upon them and establish real and prosperous homes. I introduce the bill and ask that it be printed in the RECORD.

The bill (S. 5069) to extend the rights of stock-raising homesteaders was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed in the RECORD, as follows:

A bill (S. 5069) to extend the rights of stock-raising homesteaders.

*Be it enacted, etc.,* That from and after the passage of this act any person who has made entry for public lands under the provisions of the act of Congress approved December 29, 1916, entitled "An act to provide for stock-raising homesteads, and for other purposes," and who is complying with the requirements of said act and the rules and regulations promulgated thereunder shall have the right to file application with the Secretary of the Interior for the lease of not more than — acres of unappropriated contiguous public lands of the same or inferior character to which no lawful claim has attached. Such applications shall be filed with and received by the register and receiver of the land district in which said land is located, and suspended until it shall have been determined by the Secretary of the Interior whether the land is of the character subject to lease and appraised as to its rental value under regulations to be prescribed by him. That during such suspension the land described in the application for lease shall not be disposed of, and if found subject to lease to the applicant a lease shall be made for a period not exceeding five years, subject to the payment of annual rental as determined by the appraiser hereinbefore provided for; otherwise the application shall be rejected subject to appeal, but no right to occupy or use such lands shall be acquired by reason of such application to lease until after lease is made as herein-after provided. Such lease when executed shall contain a provision that the same shall be terminated if and when the lessee shall, with respect to his entry under the said act of Congress approved December 29, 1916, fail to comply with the requirements of said act and the rules and regulations promulgated thereunder.

SEC. 2. That any such lessee who shall have complied with the requirements of this act may, from and after the issuance of patent to him upon his homestead entry made under the act of December 29, 1916, have the right to purchase any or all of the lands so leased at their appraised value under regulations prescribed by the Secretary of the Interior, the purchase money to be paid in 20 annual installments, deferred payments to draw interest at the rate of 4 per cent per annum, payable annually.

SEC. 3. That all leases and entries made and patents issued under the provisions of this act shall be subject to and contain a reservation to the United States of all the coal and other minerals in the lands so entered and patented, together with the right to prospect for, mine, and remove the same. The coal and other mineral deposits in such lands shall be subject to disposal by the United States in accordance with the provisions of the coal and mineral land laws in force at the time of such disposal. Any person qualified to locate and enter the coal or other mineral deposits, or having the right to mine and remove the same under the laws of the United States, shall have the right at all times to enter upon the lands entered or patented, as provided by this act, for the purpose of prospecting for coal or other mineral therein, provided he shall not injure, damage, or destroy the permanent improvements of the entryman or patentee, and shall be liable to and shall compensate the entryman or patentee for all damages to the crops on such lands by reason of such prospecting. Any person who has acquired from the United States the coal or other mineral deposits in any such land, or the right to mine and remove the same, may reenter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining or removal of the coal or other minerals, first, upon securing the written consent or waiver of the homestead entryman or patentee; second, upon payment of the damages to crops or other tangible improvements to the owner thereof where agreement may be had as to the amount thereof; or, third, in lieu of either of the foregoing provisions, upon the execution of a good and sufficient bond or undertaking to the United States for the use and benefit of the entryman or owner of the land to secure the payment of such damages to the crops or tangible improvements of the entryman or owner, as may be determined and fixed in an action brought upon the bond or undertaking in a court of competent jurisdiction against the principal and sureties thereon, such bond or undertaking to be in form and in accordance with rules and regulations prescribed by the Secretary of the Interior and to be filed with and approved by the register and receiver of the local land office of the district wherein the land is situated, subject to appeal to the Commissioner of the General Land Office: *Provided*, That all patents issued for the coal or other mineral deposits herein reserved shall contain appropriate notations declaring them to be subject to the provisions of this act with reference to the disposition, occupancy, and use of the land as permitted to an entryman under this act.

SEC. 4. That one-half of the proceeds from leases and sales of land under this act shall be deposited in the Treasury of the United States as are receipts from the sales of other public lands, and the balance shall be paid to the State or Territory wherein the lands sold are situated, to be used for the construction of public highways or of irrigation and drainage works.

SEC. 5. That the Secretary of the Interior is hereby authorized to make all necessary rules and regulations for the purpose of carrying this act into effect.



## AMENDMENT OF ESPIONAGE LAW.

Mr. BORAH. I introduce a bill which I desire to have referred to the Committee on the Judiciary. I will state that the bill is for the purpose of repealing those provisions of the espionage act which permit the Postmaster General to determine what matter shall go through the mails.

The bill (S. 5070) to repeal certain sections of the espionage act and the act amendatory thereof was read twice by its title and referred to the Committee on the Judiciary.

## COMMITTEE SERVICE.

Mr. MARTIN of Virginia. Mr. President, I send to the desk an order for filling committee vacancies, and I ask unanimous consent for its present consideration.

The order was read and agreed to, as follows:

*Ordered*, That Senator REED be assigned to the chairmanship of the Committee on Public Buildings and Grounds, and that he, on his own request, be relieved from further service as chairman of the Committee on Manufactures, but not from membership thereon.

That the following named Senators be assigned to membership of the following committees:

Senator GAY to Appropriations, Additional Accommodations for the Library of Congress, Census, Expenditures in the Navy Department, Fisheries, Pensions, Post Offices and Post Roads, Public Buildings and Grounds.

Senator POLLOCK to Appropriations, Additional Accommodations for the Library of Congress, Cuban Relations, Expenditures in the Navy Department, Five Civilized Tribes of Indians, Forest Reservations and the Protection of Game, Indian Depredations, Private Land Claims, Transportation and Sale of Meat Products.

Senator MARTIN of Kentucky to Civil Service and Retrenchment, Claims, Corporations Organized in the District of Columbia, Enrolled Bills, Expenditures in the Interior Department, Five Civilized Tribes of Indians, Immigration.

Senator THOMPSON to Expenditures in the War Department.

Senator GORE to Industrial Expositions.

Senator HENDERSON to Investigate Trespassers on Indian Lands, Post Offices and Post Roads.

Senator UNDERWOOD to On the Library.

Senator HARDWICK to Mississippi River and its Tributaries.

Senator NUGENT to Pacific Islands and Porto Rico, Patents.

Senator POMERENE to Pacific Islands and Porto Rico.

Senator MYERS to Pacific Railroads, Expenditures in the Department of State.

Senator SMITH of Georgia to Philippines.

Senator WOLCOTT to Revolutionary Claims.

Senator SMITH of Maryland to Standards, Weights, and Measures.

Senator OVERMAN to Transportation Routes to the Seaboard.

Senator LEWIS to On the University of the United States.

Senator PITTMAN to Interstate Commerce.

Senator KING to Naval Affairs.

Senator GERRY to Privileges and Elections.

## THE PRESIDENTIAL OFFICE.

Mr. SHERMAN. I offer a concurrent resolution which I desire to have lie on the table. I ask that the resolution may be read.

The VICE PRESIDENT. It will be read.

The Secretary read the concurrent resolution (S. Con. Res. 26), as follows:

Whereas Woodrow Wilson, President of the United States, is about to depart from the territorial limits thereof and go beyond the jurisdiction of its Constitution and laws and be and remain upon foreign territory, within the limits of another sovereignty, the Republic of France; and

Whereas among the powers and duties of the President as the Chief Executive Civil Magistrate of the Government are the following: To receive ambassadors and other public ministers of foreign powers; to appoint ambassadors and other public ministers, consuls, judges of the Supreme Court, and all other officers of the United States not otherwise provided for; to protect every State against domestic violence on the application of its legislature or executive; to perform, if it shall be required, a guaranty of the United States of a republican form of government to each State, and to protect each of such States against invasion; to pardon and reprieve for offenses against the United States; and to take care that the laws be faithfully executed; and

Whereas Villa is still at large in Mexico pillaging and creating disorders threatening the safety of the border States of the Union, and the I. W. W., as they are commonly known as organizations for disorderly and seditious purposes, now actively engaged in threatening civil commotion with others, making the constant presence of the Executive at the seat of government necessary to preserve orderly conditions and execute the law in the United States and the several States thereof; and

Whereas Congress having convened in regular session on the first Monday in December, A. D. 1918, and will continue in session at the seat of government in the city of Washington, D. C., until March 4, 1919, with pending legislation and the passage of bills requiring Executive action in due course of legislation, and the President being further required from time to time to give Congress information of the state of the Union and to recommend to their consideration such measures as he may deem necessary and expedient; and

Whereas Congress did by an act approved July 16, 1790, provide that on the first Monday in December, A. D. 1800, the seat of government of the United States should by virtue of that act be transferred to Washington, D. C., and all offices attached to the said seat of government should accordingly be removed thereto by their respective holders, and shall after the said day cease to be exercised elsewhere, which was accordingly done pursuant to said act, so that the city of Washington, in said District, thereby became and still is the seat of government of the United States and the place where legislative and executive powers and duties shall and must be exercised; and

Whereas the Constitution provides in cases of the removal of the President from office or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President,

and such officer shall act accordingly until the disability shall be removed or a President shall be elected, pursuant to which power Congress did by an act of January 19, A. D. 1886, known as the presidential-succession act, duly approved, provide therefor, but no legislation has been provided declaring what shall constitute inability of the President and devolving such powers and duties upon and the assumption and exercise of the same by the Vice President: Now therefore be it

*Resolved by the Senate (the House of Representatives concurring)*, That the departure by the President and his absence from the territory of the United States and from the seat of government so fixed and declared by law be, and the same are hereby, declared to constitute an inability to discharge the powers and duties of the said office of President of the United States, and is hereby declared to constitute a vacancy in such office of President, and that the powers and duties thereof shall immediately upon such departure and absence by the President from the territorial limits of the United States and the seat of government thereof devolve upon and be exercised by the Vice President of the United States, who shall qualify and assume the powers and duties of the office of said President of the United States until a President shall be duly elected, and all official acts of the Vice President while such powers and duties are so devolved upon him shall be, and are hereby, declared to be valid for all intents and purposes and shall be received and accepted as the act of the President of the United States.

Mr. KNOX. I send to the desk and ask to have read a resolution to be referred to the Committee on Foreign Relations.

Mr. WALSH. I rise to inquire what disposition was made of the resolution offered by the Senator from Illinois.

The VICE PRESIDENT. The Senator asked that it lie on the table. It goes over under the rule.

## PEACE CONFERENCE.

Mr. KNOX submitted the following resolution (S. Res. 361), which was read and referred to the Committee on Foreign Relations:

Whereas the United States of America entered the war with Germany and Austria-Hungary in order to vindicate the ancient rights of navigation as established under international law and in order to remove forever the German menace to our peace; and

Whereas the splendid effort of the American people and the valor of our soldiers and sailors during a year and a half, when added to the enormous sacrifices, the steadfast fortitude, and the noble courage displayed by our allies during more than four years, have made possible the attainment of those aims, now best expressed as restitution, reparation, and guaranties against the German menace; and

Whereas the surrender of Germany and Austria-Hungary to the terms of the armistice has attained a great part and has rendered enforceable the remainder of those aims; and

Whereas conferences are about to take place with the purpose to complete, to perfect, and to guarantee the attainment of the war aims aforesaid and thus to pass to the state of formal peace: Therefore be it

*Resolved*, That the purposes of the United States of America in those conferences should be confined to the aforesaid aims and matters germane thereto.

Second, That for the safeguarding of those aims the first essential is a definite understanding that, the same necessity arising in the future, there shall be the same complete accord and cooperation with our chief cobelligerents for the defense of civilization.

Third, That any project for any general league of nations or for any sweeping change in the ancient laws of the sea as hitherto recognized as international law and violated by the Teutonic powers should be postponed for separate consideration not alone by the victorious belligerents but by all the nations if and when at some future time general conferences on those subjects might be deemed useful.

*Further resolved*, That immediately upon compliance with the terms of the armistice and the guaranteed attainment of the war aims as aforesaid the Army and Navy of the United States should be withdrawn from foreign territories and waters except in so far as their retention might be temporarily necessary to establish the status contemplated by the armistice; and, further, that the extraordinary powers conferred upon the President for the prosecution of the war should be withdrawn and the country restored to a normal condition of peace, with the greatest possible celerity consistent with the national interest.

## GOVERNMENT OF COSTA RICA.

Mr. MOSES submitted the following resolution (S. Res. 362), which was read and referred to the Committee on Foreign Relations:

Whereas the President of the United States, in an address delivered at a joint session of the two Houses of Congress, December 2, 1918, has emphasized the "capital importance" of action which shall "clear away all grounds of misunderstanding with our immediate neighbors and give proof of the friendship we really feel"; and

Whereas there now exists in the Republic of Costa Rica a government, constitutional in form and stable in character, which has maintained itself for two years in the face of a grave menace, which has given proof of undoubted adherence to the allied cause and of special friendliness to the United States, and which has been formally recognized by all the Governments of the Western Hemisphere, save only those of Nicaragua and the United States: Now therefore be it

*Resolved*, That it is the opinion of the Senate that the President, having declared that "the stage of affairs is now set for such action as will be not only just but generous and in the spirit of the new age upon which we have so happily entered," should forthwith extend formal recognition to the existing Government of Costa Rica and should immediately enter into full diplomatic relations therewith.

## PAYMENT TO HON. CHRISTIE BENET.

Mr. MARTIN of Virginia submitted the following resolution (S. Res. 363), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate to the Hon. Christie Benet the sum of \$554.79, being the compensation of a Senator of the United States for 27 days, November 6 to December 2, 1918, both dates inclusive, during which he served as Senator from the State of South Carolina.



## PROPOSED TREATY WITH COLOMBIA.

Mr. THOMAS. Mr. President, I desire to give notice that on Monday next, at the close of the morning business, I shall submit some remarks to the Senate on the pending proposed treaty with Colombia.

## BREWERS' GERMAN PROPAGANDA.

Mr. OVERMAN. Mr. President, I ask the permission of the Senate that the subcommittee of the Committee on the Judiciary to investigate the brewers' German propaganda be granted leave to sit during the sessions of the Senate.

The VICE PRESIDENT. Without objection, leave will be granted.

## REPORT ON AERONAUTICS (S. DOC. NO. 307).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, ordered to be printed, and, with the accompanying paper, referred to the Committee on Military Affairs:

*To the Senate and House of Representatives:*

As required by the provisions of the act of March 3, 1915, making appropriations for the Naval Service for the fiscal year ending June 30, 1916, I transmit herewith the Fourth Annual Report of the National Advisory Committee for Aeronautics for the fiscal year ended June 30, 1915.

The recommendation of the committee as outlined in the closing paragraphs of its report for the continuance of the scientific study of the problem of flight and the development of aviation for all purposes has my hearty approval. Attention is also invited to the recommendation of the committee that the appendixes of this report be published with the report as a public document.

WOODROW WILSON.

THE WHITE HOUSE, 3 December, 1915.

## REPORT OF COUNCIL OF NATIONAL DEFENSE (H. DOC. NO. 1440).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, ordered to be printed, and, with the accompanying paper, referred to the Committee on Military Affairs:

*To the Senate and House of Representatives:*

As required by the provisions of the Army appropriation act approved 29 August, 1916, creating the Council of National Defense, I transmit herewith the Second Annual Report of the Council of National Defense for the fiscal year ended June 30, 1915.

WOODROW WILSON.

THE WHITE HOUSE, 3 December, 1915.

## HOUSE BILL REFERRED.

H. R. 13153, an act extending the time for the construction of a bridge across the Arkansas River, at the foot of Garrison Avenue, at Fort Smith, Ark., was read twice by its title and referred to the Committee on Commerce.

## THE PRESIDENTIAL OFFICE.

Mr. SHERMAN. Mr. President, I should like about 15 minutes before adjournment to-day, by unanimous consent, to submit some remarks on the absence of the President.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Senator from Illinois will proceed.

Mr. SHERMAN. Mr. President, in order that what my views are on this subject when they shall have been expressed may be beyond question, I have, contrary to my usual custom, placed them on paper.

The President's absence from the seat of government and the territorial limits of the United States by his contemplated attendance at Versailles, France, as a member of the peace commission suspends the legislative power of the Government during that absence. Congress can pass bills, but can not present them to the President for his approval or veto. Neither can the 10-day limit result in the passive Executive approval of a bill, because the 10 days do not begin to run until it is presented to him. A bill can not as a practical matter be presented to the President when he is in Europe, nor, if he vetoed it while there, being at the American ambassador's, could it be returned to the House in which it originated in such a way as to legislate as the Constitution contemplates it. A necessary constitutional legislative agent is no longer in his normal relation with other essential constitutional legislative agents so that legislation can be perfected.

The act of July 16, 1790, fixed the seat of government on and after the first Monday in December, A. D. 1800, at Washington, in the District of Columbia, and provided that all offices attached to the seat of government should accordingly be removed thereto by their respective holders and should after the

said day cease to be exercised elsewhere. This is a legislative declaration fixing the place where the powers of the Federal Government shall be exercised. Contemporaneous with this act all Federal powers and duties of an executive and legislative character have been performed at the seat of government so fixed. Such power has been uniformly administered at the seat of government for 118 years. No President has ever undertaken to exercise or administer his great civil functions elsewhere. Federal sovereignty resides at the Capital. It can not be transferred to any other point even on the soil of the United States and within the jurisdiction of its Constitution and laws pursuant thereto except by act of Congress approved in due form by the President. It is a palpable violation of the act of 1790, approved by George Washington, to attempt to exercise the constitutional sovereign powers of the President within the domain of another Government, outside the territory of this country, and with the Atlantic Ocean intervening between the President and the seat of government.

No imperious necessity justifies the pernicious mischief likely to result. National legislation, vast appropriations of money, the legislation incident to the readjustment from war to peace conditions, all crowd as urgent measures. The uncertainty, the risk of litigation, the confusion imminent on the invalidity of both legislation and Executive orders fill the President's absence with grave menace. The public peace profoundly affected in the changes from war to peace levels, the signs of disorder, the frequent threats of lawless assemblages, the dangers hanging upon our Mexican border, all join to require the Chief Magistrate to be at his post of duty at the seat of government. His office is an executive one. It is a corporation sole. When its occupant is absent its quorum does not exist; unless a Vice President can assume the office or the Executive powers and duties can be devolved upon him, the President's office becomes vacant. The presidential succession act does not apply so long as the Vice President is eligible and competent; and he is both.

Mr. THOMAS. Mr. President, will the Senator from Illinois yield for a question?

Mr. SHERMAN. Yes, sir.

Mr. THOMAS. In order to explain the question more fully I will read that provision of the Constitution which applies to the subject matter of the Senator's discussion:

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

My question is whether, in the absence of previous legislation upon the subject, Congress being expressly authorized to enact such legislation, there can be such a thing as disability or inability of the Executive? The Senator may intend to discuss that phase of the subject. To me it is a most interesting one.

Mr. SHERMAN. That, Mr. President, is the point I intended to cover by the resolution I offered this morning, which lies on the table, declaring by congressional definition what "executive inability" is.

Mr. THOMAS. Well, I asked the question because I inferred from my understanding of the resolution that it was to act retrospectively, and that, in the event of its adoption by Congress, it would take effect with the departure of the President. Am I correct with regard to that?

Mr. BRANDEGEE. Mr. President—

Mr. SHERMAN. I yield to the Senator from Connecticut.

Mr. BRANDEGEE. Mr. President, without expressing any positive opinion upon the question raised by the Senator from Colorado [Mr. THOMAS] I should like to make this suggestion to him: Does not the first part of the clause of the Constitution which he read devolve the duties of the President upon the Vice President in case of the inability of the President to perform them? Does not the second part of the clause, which he read provide that Congress may, in the event of the inability of both the President and the Vice President, pass laws as to the succession? Are they not two independent and separate questions?

Mr. THOMAS. I think not, Mr. President. The subject was discussed at great length and very exhaustively during the interim between the shooting of President Garfield and his death, and I have a distinct recollection that the best legal thought at that time agreed that antecedent legislation was essential by Congress before the inability or the disability became operative.

Mr. BRANDEGEE. Mr. President, is that not simply to determine the fact of the President's disability?



Mr. THOMAS. It may be; but it can not, in my judgment, act retrospectively.

Mr. CURTIS. Mr. President, with the consent of the Senator from Illinois—

Mr. SHERMAN. I yield.

Mr. CURTIS. I desire to read a few extracts from a decision of the Supreme Court of Oklahoma, which I believe will throw some light on the subject. I do not care to do so unless the Senator will consent. It will take only about a minute.

Mr. SHERMAN. Certainly; I should like to have it incorporated in the Record.

Mr. CURTIS. I think it answers the question of the Senator from Colorado.

Mr. THOMAS. Does the Senator intend to read the provision of the constitution of Oklahoma which deals with the subject?

Mr. CURTIS. Yes. I read the following from the opinion of the Supreme Court of Oklahoma in the case of *Ex parte Nelson Hawkins*, Oklahoma Criminal Reports, volume 10, pages 399 and 400:

This case presents simply a cold question of law, and must be decided as such without reference to any other considerations. Article 6, section 16 (Williams's Const. Okla., sec. 165), provides in express terms that all of the powers of the governor shall devolve upon the lieutenant governor during the inability of the governor to discharge the powers and duties of said office and until such disability shall be removed. No one will contend that the powers of the governor can be exercised by him during his absence from the State, any more than that a judicial officer of Oklahoma could open court and try cases or could discharge any other official duty in another State or upon foreign territory. The office of governor of Oklahoma was not created for the benefit of the man who temporarily holds his position. It is in no sense his private property; but it is alone for the people of Oklahoma, and must be confined to Oklahoma, and can not be placed upon wheels and hauled all over the face of the universe. The governor may go to other States, and travel in foreign countries, with all of the military pomp and glory of the commander in chief of the Oklahoma Militia, as he pleases, without forfeiting his office, and may carry his title with him; but his powers as governor become dormant the very moment he crosses the State line, and they revive again as soon as he returns and is within the borders of the State.

An emergency may arise at any moment requiring the presence of the governor within the State. The constitution provides that there shall always be some one within the State clothed with power to perform the duties of chief executive. The constitution must be obeyed, let it please or displease whom it may. There is nothing more ridiculous than to contend that the governor, as a matter of whim or caprice, can leave the State to attend banquets or play golf in other States, or for any other purpose, and say to those who have business with his office: "Wait until it suits my convenience to return." This question was fully considered by this court in the case of *Ex parte Crump*, supra, decided at the September term of this court.

It seems to me under this decision, construing the provisions of the Oklahoma constitution, which are identical with the terms of the Constitution of the United States, that the moment the President leaves the United States the Vice President becomes the President of the United States and should fill the office until the President returns.

Mr. WILLIAMS. Mr. President, will the Senator yield for me to ask a question of the Senator from Kansas?

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from Mississippi?

Mr. SHERMAN. I yield.

Mr. WILLIAMS. Is there or is there not in the Oklahoma constitution a provision requiring that the lieutenant governor, or whoever may be the second officer, shall act as governor while the governor is absent from the State?

Mr. CURTIS. No.

Mr. WILLIAMS. Several States have that provision.

Mr. CURTIS. The provision is similar to the provision of the Constitution of the United States.

Mr. WILLIAMS. The Senator says "similar." Would he mind reading it?

Mr. CURTIS. The constitution provides in express terms that all of the powers of the governor shall devolve upon the lieutenant governor during the inability of the governor to discharge the powers and duties of said office and until such disability shall be removed.

Mr. WILLIAMS. That is the only provision in the constitution?

Mr. CURTIS. It is the only provision; and that is similar to the provision of the Constitution of the United States regarding the inability of the President to discharge the powers and duties of the office.

Mr. WILLIAMS. I just wanted to have that plain as we went along.

Mr. SHERMAN. On principle, the case read by the Senator from Kansas from the Oklahoma decisions is applicable. The query propounded by the Senator from Colorado is one that led to the introduction of the resolution. It was my motive. I think Congress can legislate for an existing emergency whether before or after the happening of the occurrence creating the

emergency. The presidential succession act of 1886, during President Cleveland's first administration, was for the purpose of covering a crisis that arose when legislation was lacking. The Vice President was either disabled or dead, leaving, in the event of Mr. Cleveland's death or inability, no one upon whom that office would directly devolve. Congress executed the constitutional power in the succession act of 1886, which provides that in case of the inability, resignation, death, or removal from office of both the President and the Vice President the office shall devolve upon certain Cabinet members, beginning with the Secretary of State and following in the order named in the statute. That act, however, does not apply to existing conditions. It is evident that in 1886, when this act was perfected, the traditions of Congress as well as of the executive department led the framers of that act to believe that there never would be a violation of the manifest spirit and traditions of the Government by the voluntary departure of the Executive beyond the jurisdiction of the United States.

Senator George Frisbie Hoar was the sponsor in this body of the succession act of 1886. Here in this Chamber he stated when it was pending—some may remember it—that he did not wish to "strut under borrowed plumage." His cousin, Rockwood Hoar, he stated, drafted the bill, drew the act, and Senator Hoar introduced it and supported it on the floor of this body. At that time scarcely a Senator not a publicist of that day believed it was necessary to declare that in the event of the absence of the President of the United States from the territory of the country certain other persons should succeed to the Executive office, and I apprehend it was for that reason alone that no such provision was inserted in the act of 1886.

Mr. WILLIAMS. Mr. President, may I ask the Senator from Illinois a question?

Mr. SHERMAN. Yes, sir; I yield for a question.

Mr. WILLIAMS. Is the Senator or is he not aware of the fact that President Taft, during his term of office, went to Canada and was absent for a week or two—I do not remember just how long—upon foreign soil; and that he also went about 2,000 miles, I think—maybe not quite that much—into Mexico and held a conference with President Diaz? Is he or is he not aware of the fact that President Roosevelt, during his term of office, spent a day or two in one of the cities of the Panama Republic, not the Panama Zone?

Mr. SHERMAN. I will come to some of those instances in a moment, before I conclude.

Mr. WILLIAMS. If the Senator is aware of those facts, would the Senator mind telling me why, under a Republican administration, no Republican solicited for the Constitution, and no Democrat, either, far more solicitous—historically, at any rate—for the Constitution, raised any objection or offered any resolution declaring the President's inability to carry on the duties of his office?

Mr. SHERMAN. Mr. President, I am not one of those who adopt the mistakes of my own party as a precedent by which I govern myself or seek to legislate for others. I never have.

Mr. WILLIAMS. Now, would the Senator mind one more question? Disliking the Democratic Party as much as he does—almost as much as I dislike his party—would the Senator mind telling me why no Democrat armed with partisanship and with political hatred during those times raised that question; and can he imagine any reason for it, except that the question was not worth raising, and is a mere camouflage?

Mr. SHERMAN. I think the question ought to be raised by anybody who has a right to raise it, and accordingly I have done so. I have not approved of the precedents breaking the traditions as well as the statutes of the United States if committed by a President elected on the ticket of the party of which I am a member. It is no more to be condoned or forgotten by one party or by one President than by another; and I wish seasonably to voice in my remarks here my protest as well as my belief on that subject.

Mr. SMITH of Michigan. Mr. President, if the Senator will pardon me—

Mr. SHERMAN. Certainly.

Mr. SMITH of Michigan. I think the statement of the Senator from Mississippi is wrong as to President Taft. As I understand it, he did not cross the international bridge at El Paso. He went to the Territorial line and stopped there and was met there by President Diaz; at least, this is the view of El Paso people as expressed to me and it may be erroneous.

Mr. WILLIAMS. Mr. President, if the Senator will pardon me just a little longer—

Mr. SHERMAN. All right; I yield.

Mr. WILLIAMS. I am not making that statement because I remember it personally. The Senator from Arizona [Mr. SMITH] told me this morning that he was with President Taft



in Mexico; and I know that President Taft went to Canada and made a speech or two there, because it was in every newspaper in the United States.

Mr. SMITH of Michigan. I am not talking about Canada; but he made his headquarters at El Paso, went to the international bridge, and was met there by President Diaz.

Mr. THOMAS. The Senator is mistaken.

Mr. WILLIAMS. I will hear from the Senator from Arizona about that first.

Mr. SMITH of Michigan. All right.

Mr. WILLIAMS. The Senator from Arizona told me that he was with President Taft on that trip, if I correctly understood him.

Mr. THOMAS. The facts are, Mr. President—

The VICE PRESIDENT. The Senator from Illinois has the floor.

Mr. SHERMAN. I think this has now reached the refined stage of common-law pleading where the issue is joined between others than the litigants to the case; and I must respectfully ask that it cease, and that these gentlemen settle their difficulties in the cloakroom.

The VICE PRESIDENT. The Senator from Illinois has the floor.

Mr. WILLIAMS. Mr. President—

The VICE PRESIDENT. The Senator from Illinois has refused to be further interrupted.

Mr. WILLIAMS. Mr. President, I see that the Senator from Arizona [Mr. SMITH] is present. I have just quoted what he told me in the cloakroom a moment ago, and I should like to have his testimony upon this historical fact. I understood the Senator to say that he was with the party of which President Taft was a member, and that he went into Mexican territory, and was there for some time.

Mr. SHERMAN. It is very difficult to resist the Senator from Mississippi at any time.

Mr. WILLIAMS. Am I correct in my understanding of what the Senator said?

Mr. SMITH of Arizona. That is true.

Mr. WILLIAMS. Yes; and the Senator from Arizona was with him on that trip; and the Senator from Colorado says that Diaz came across the line, met Taft at the bridgehead, and that Taft, repeating the courtesy, went across the line into Mexico and met Diaz away below the boundary.

Mr. SHERMAN. As the Senator from Illinois remembers the international bridge at El Paso, nobody will ever stay across on the other side very long. Juarez is the last place on earth in which any man wishes to stay beyond mealtime. I will come to those instances, referring to each of them specifically, in a moment.

Congress is composed of numerous Members. Its only requirement is a quorum, to be secured by the parliamentary officer, if necessary by the arrest of absent Members. There is no such provision to enforce the presence of the Federal Executive. It is a matter of imperative necessity that Congress declare the President's absence from the soil of the United States and the seat of government an inability to discharge the powers and duties of President, and in effect a vacation of the office, and a devolution of the same, with its powers and duties, upon the Vice President. An executive act is not officially valid unless it be performed in accordance with the Constitution and laws of the United States.

In construing the Constitution of the United States the Supreme Court declared:

That what is implied is as much a part of the instrument as what is expressed.

Therefore what arises by necessary implication in a fundamental law is as much the law as the expressed letter of the text. To say that the Constitution does not prohibit in express terms the absence of the President in a foreign country, and therefore it is lawful, ignores this salutary rule of common sense. The intention of those who wrote, and the American people who adopted, the Constitution was to guard the President against the insidious influences and flattery incident to the servile adulation and absurd pomp of the kings and council chambers of the Old World. Amid crowns and reminiscences of ancient thrones, with profound interested deference yielded by diplomats grown gray in Europe's quarrels, who see centuries beyond their generation, the whole American atmosphere that ought to surround the President is lost. A courtier's smile and the bending knee of a sycophant have often in history entangled a nation in fatal alliances. A kiss of a sensuous woman has changed the course of empire. We ought not to put him in temptation. [Laughter.]

The VICE PRESIDENT. The Chair will not continue to warn the occupants of the galleries. They will be cleared if the occupants do not obey the rules of the Senate.

Mr. SHERMAN. The savory fragrance of incense offered by alien satellites may mount with intoxicating power to a head already strangely obsessed with the phantasy that he has become the State. The kings like Louis the Bourbon are not found in France alone in history. They have been found in other countries, and they may be bred on American soil.

The spirit of Americanism brooded above the infant Republic as it emerged from the Confederation of Revolutionary days. It vitalized and inheres in the sovereignty of the great delegated powers of the Executive. The thought of the voluntary departure of the chief civil magistrate, clothed with such plenary functions, beyond seas and without the national territory is reprobated and denied in every essential relation and mutual dependence of the structure and organic departments of Federal Government. The whole Federal system is based on the continuous and well-sustained operation of the Government as an entirety. The President is an integral part of the whole. He is an essential element of legislation. His office can not be suspended for an instant or its connection severed from the other coordinate branches of government without doing violence to the charter interpreted and applied for 130 years by its founders and their successors.

There is a constitutional morality woven into the fabric of every government devised and administered by an intelligent people from the days of Athens to America, and from Pericles and his predecessors to Washington. That spirit is a part of the American Government as much as the letter of a statute or of any great organic charter. It is this enduring vitality of which Grote wrote, and which he preserved for the instruction of posterity. Within it dwells the spirit that makes alive the organic instrument that collects in its great headlands the elementary rights of nations. One who violates it strikes a more grievous blow than he who merely breaks the letter. The law of 1790, as well as the unbroken contemporaneous exercises of such powers for a hundred and eighteen years, ought to be binding upon every officer who has taken the oath. Such uniform adherence to the exercise of great sovereign elemental powers is a formidable exposition difficult to argue away.

How can the President receive ambassadors representing sovereign power when absent from the seat of government, and particularly if he be within an alien sovereignty? Is it possible for him to make civil appointments even from the American ambassador's department in France, or can he order troops on the application of a State to protect it against domestic violence? Can he pardon or reprieve offenders while absent in Europe? Who will dispatch troops if required to enforce the laws of the United States and the orders of courts? The President can not execute the laws under his oath of office while he is in a foreign country and unable to exercise executive power at the seat of Federal Government.

The foregoing powers inhere in the President as a civil chief magistrate. Sovereignty is not of a migratory nature in its civil characteristic. The civil powers of the President have no extraterritorial validity. They confer no authority and constitute no defense for acts committed outside the area in which the law is operative. The status of civil sovereignty is attached to the territory, the people, and the institutions over which it wields its powers. The President of the United States is not its President in France. He is an alien there, a mere citizen of this Republic shorn of all his sovereign powers vested in his office when in the United States and at the seat of government. He has no power of his own volition to transfer the seat of government in the executive branch to an alien Province. Two sovereignties can not exist and be coterminous within the same territory at the same time.

The fiction that an ambassador's place of residence or a consul's office or the quarter-deck of a battleship represents the territory of this Republic all around the globe is a mere fiction of commerce for the purpose of taking care of American citizens who are absent in alien jurisdiction and for effecting the necessary purposes of trade.

An official possessed of sovereignty by virtue of the municipal or local law does not transfer that sovereignty or any portion thereof to foreign soil by transporting his physical person to the latter place. Sovereignty is extinguished when the officer departs from his domain. An attempted exercise of sovereign power abroad by the President of the United States, then absent in Europe, I believe to be void and confers no rights and constitutes no defense to one who must justify himself thereunder.

There is an unwritten law of unbroken tradition surrounding the President's office that he must not leave the country even for a day. Public reasons of the gravest character constitute the basis of this tradition. In the spring of 1901 President McKinley emphasized his respect for this limitation. At El Paso, Tex., he wished officially to meet President Diaz near the boundary of the two countries. He did not even go to the half-



way line or place his foot upon the international bridge across the Rio Grande River. Ten years before this President Harrison adventured as far as the middle line of the bridge but no farther.

Mr. WILLIAMS. Mr. President, the Senator said a moment ago, in answer to a question of mine, that he would come to that point later on. He now asserts that President Taft never crossed the border.

Mr. SHERMAN. No; President McKinley. I spoke last with reference to President McKinley.

Mr. WILLIAMS. I beg the Senator's pardon.

Mr. SHERMAN. I will come to the Taft matter in a moment.

Mr. WILLIAMS. I thought the Senator said President Taft. I beg the Senator's pardon.

Mr. SHERMAN. I am sure the Senator did not hear me.

President Arthur in 1883 was supposed unwittingly to have violated the tradition on a fishing excursion in the Thousand Islands. On a fishing excursion with some companions he drifted across the middle of the St. Lawrence River and was, in fact, within the jurisdiction of Canadian law.

President Cleveland on a hunting trip is commonly believed to have gone outside the United States for a short time when he sailed past Cape Hatteras outside the 3-mile limit, which technically put him on the high seas beyond the jurisdiction of the laws of the United States.

President Taft went to Panama in 1910. His destination was the Canal Zone, by treaty United States territory. I regard the jurisdiction and the power governmentally of the United States as supreme in the Canal Zone. When President Taft was beyond the 3-mile limits of tidewater he was outside of the territorial limits of the United States, and before he reached the Canal Zone he violated this tradition. His absence was unjustifiable under settled practices at that time, I believe, although Congress was not then in session and it led to no such complications as the absence of the President at this time might do.

No disturbance of necessary governmental operations followed the absence of President Taft in the circumstances attending his departure and his return. The isolated instances which I have been able to find of presidential absences, even if all of them be wholly indefensible, can not abrogate or modify the limitations that surround the Executive office and the traditions that have commanded the course of its occupants for more than a century of official conduct.

Mr. KNOX. If the Senator from Illinois will permit me, I will suggest one other case of a presidential journey in which the wisdom of not passing out of the sovereignty of our own country was emphasized in a very peculiar way. When George Washington was President of the United States he made a coaching trip to New England. This was shortly before Rhode Island had accepted the Constitution. He carefully and avowedly avoided going into Rhode Island because it was foreign territory to the new Union. Shortly afterwards Rhode Island did accept the Constitution and then, as I say, giving peculiar emphasis to his view, he made a special trip to Rhode Island.

Mr. SHERMAN. I am very glad of the information the Senator from Pennsylvania [Mr. Knox] gives of the precedent made by one of the early Presidents in that way, and it lends strength to the tradition I have alluded to. It interprets the act of 1790 which declared that the sovereign power of the Government shall be exercised at the seat of government and not elsewhere. Such reasons will fall upon heedless ears when addressed to those who ridicule or deride the necessary restraints and safeguards of constitutional government; with such persons anything that is, is necessarily wrong. We are approaching a period, Mr. President, of stress and strain that may well test the most elementary and necessary of the constitutional limitations of this Republic.

Virtue among some is an indiscriminate destruction of every agency and the ignoring of every principle wrought out in the experience of mankind. It seems to be reserved for the President to gamble with the insuperable difficulties he creates by his absence beyond seas. He no doubt will excite the rapturous applause of the scoffing intellectuals who minister to his vanity. He takes an iconoclastic delight in overriding every constitutional provision and every statute of the Republic, both in letter and spirit, designed to protect and preserve the civil liberty of the country. It is unofficial and personal government followed to its logical conclusion.

The foregoing dangers justify a declaration by Congress that will define the inability of the President. I believe it to be a proper subject of legislative definition. It will interpret and apply the tradition and the law that have attended the executive office from the days of Washington. It will be of material value to courts and future Presidents in interpreting the place in which sovereign power may lawfully be exercised. The

Presidency is created and exists by law. This is a trite observation, but it is necessary to repeat it. Beyond it and its enumerated or incidental powers he can not go. The Constitution, by virtue of which he is elected and his great executive powers vested, requires the President to have been 14 years a resident within the United States, as well as 35 years of age, to make him eligible to the office. This long residence in the United States, while a positive qualification, is evidently to insure a personal knowledge of current affairs. It illuminates the President's absence during the protracted negotiations of the belligerent nations in France. The people of this Republic are entitled to the personal presence of their Executive.

It is no answer to say that the swift steamship, the cables, and telegrams do eliminate distance. They have not eliminated national boundaries and the limitations upon the sovereignty of their majesties and respective rulers. If he can communicate so readily with his Washington office and his people while in Paris, then his agents in Paris could as readily communicate with him if he remained in Washington by these same physical agencies. It is a poor rule that will not work both ways.

The absence of many weeks in a distant land is so repugnant to the exercise of his great powers as to justify the passage of this resolution.

I will state that a Representative from Illinois [Mr. RODENBERG] in the House yesterday introduced the same resolution, except that it does not declare the office vacant, but it does declare during the interim that the powers and duties during the President's absence in a foreign country shall devolve upon the Vice President, to be exercised until the President shall return to the jurisdiction and territory of the United States.

By this resolution Congress supplies a statutory definition of presidential "inability" so as to make it incumbent upon the Vice President to qualify, assume, and discharge executive duties. He therefore ceases to be the presiding officer of this body and does become the actual President until another one is duly elected in 1920 and inaugurated the 4th of March, 1921. This secures the public welfare and private right from an interregnum and cessation of executive functions, and no other construction will do so.

Mr. President, in conclusion, I have submitted the question involved in this discussion and in the resolution to Hannis Taylor, who is a well-known authority on constitutional law, and have received from him an opinion that deals specifically with this question at some length. It is a closely reasoned, strong examination of the question and so illuminating I ask, without reading, to have it printed as a part of my remarks.

The VICE PRESIDENT. Is there any objection? The Chair hears none. It is so ordered.

The matter referred to is as follows:

WASHINGTON, D. C.,  
November 30, 1918.

HON. LAWRENCE Y. SHERMAN,  
United States Senate.

MY DEAR SENATOR SHERMAN: You have requested me, as a student of American constitutional law, to give an opinion on the following question:

Will the absence of the President in Europe create the "inability to discharge the powers and duties of said office" contemplated in Article II, section 10, of the Constitution, which provides that "in case of the removal of the President from office or of his death, resignation, or inability to discharge the powers and duties of said office, the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President and such officer shall act accordingly until the disability be removed, or a President shall be elected"?

I answer as follows: The first legislation by Congress, giving effect to the provision of the Constitution in question, was the act of March 1, 1792, expressly repealed by the presidential succession act of January 19, 1886, which, together with Article II, section 1, now governs the entire subject.

The statute and the constitutional provision must be construed together under that elementary rule which provides that constitutional prohibitions arising by necessary implication out of the fundamental law are just as effective as those arising in express terms. In restating that principle in *Ex parte Yarbrough*, Mr. Justice Miller said, in construing the Constitution of the United States, "that what is implied is as much a part of the instrument as what is expressed."

It is a gross error to assume that the President is not commanded by the Constitution never to go beyond the territorial limits of the United States. The very nature of his office and the supreme duties annexed to it command the President never



to depart, certainly when Congress is in session. There is no express prohibition directed either to the Senate or to the House of Representatives commanding them not to go abroad and hold their sessions there. The same implied and self-evident prohibition is directed to the President never to go abroad at any time. Such prohibition necessarily enters into the very nature of the office itself, which is an unprecedented and unique creation.

In describing the motives that governed the convention of 1787, when creating the presidential office, Sir Henry Maine said that "the figure they had before them was not a generalized English king, nor an abstract constitutional monarch; it was no anticipation of Queen Victoria but George III himself whom they took for their model." With that powerful figure before them the convention vested in the President of the United States more than executive power; it made him an integral part of the National Legislature. Without his personal approval or rejection, no act of Congress can become a law, with the one exception to be hereafter noted.

Article I, section 7, clause 2, of the Constitution expressly provides that "every bill when it shall have passed the House of Representatives and Senate shall, before it becomes a law, be presented to the President of the United States," who is expected to be present at the seat of government to act upon it in person. That he can not abdicate the duty or delegate it to another is put beyond all question by the decision of the Supreme Court in *La Abra Silver Mining Co. against United States* (175 U. S., 423). It is the settled law of this Republic, long defined by the Federal courts, that an act of Congress can not, with a single exception, be made the law of the land until the actual and physical placing of the President's signature on the document presented to him by the two Houses for that purpose.

If the President approves the bill, the Constitution directs him to sign it; if he does not approve it, the Constitution makes it his duty to return it with his objections to the House in which it originated. And a further and vital provision is that in case the President does not return the bill within 10 days after presentation it becomes a law in the same manner as though he had signed it. After the bill has become a law the Statutes of the United States make it the duty of the Secretary of State to "forthwith" file the law as soon as possible and to give publicity to it. Thus it is as clear as a mathematical demonstration that if both the President and Secretary of State, in open defiance of the Constitution, abdicate at the same moment and go for a long sojourn in foreign lands while Congress is in session the lawmaking power of this Government is at an end until the vacuum can be filled.

In view of that grave contingency every precaution was taken in the presidential succession act of 1886 to make an interregnum in the presidential office impossible. In commenting upon the menacing conditions that made that act a necessity, President Wilson, in his "History of the American People," has said: "There had been such a season while Mr. Arthur was President. There had been an anxious summer when, had death or serious disability overtaken him, there would have been no one to take up the duties of the chief officer of the Nation. Another season of the same sort came during the very first year of Mr. Cleveland's presidency. Mr. Hendricks, who had been chosen Vice President with Mr. Cleveland, died in November, 1885, and there was a brief interval during which there was no one between the President and a legal lapse of the presidential functions. At its first session, therefore, the Congress which had been chosen at the time of Mr. Cleveland's election passed an act which placed the heads of the executive departments in the line of succession in the order of the creation of their several offices." And yet, in open defiance of his own unanswerable exposition, the President, without any excuse, is preparing to abdicate his high office and to impose upon himself an "inability to discharge the powers and duties of said office," and, more, to take along with him the Secretary of State, who is second in the line of succession which the act defines.

I have said "without any excuse whatever," because the going of the President himself to the peace congress as a mere delegate violates not only the Constitution of his own country but a basic and elementary rule of international law and diplomacy, which decrees that no chief of state must appear in person in such an assembly. In obedience to that rule Great Britain, France, and Italy will send not their chiefs of state but their first ministers. The President will therefore degrade the dignity of his high office and humiliate the American people in the presence of all Europe by appearing there in an unprecedented and unbecoming capacity.

What right has he to say to the world by his acts that the American first minister, Mr. Lansing, who has been confirmed by the Senate as a competent Secretary of State, is unworthy to stand in the congress as the peer of the first ministers of Great Britain, France, and Italy, especially when he is to be supported by the brilliant and distinguished delegation chosen to accompany him? If he needs guidance in international law and diplomacy, the world-famous jurist, Col. House, will be there to advise and direct him. Besides, in creating the presidential office, the convention made it very plain that our Chief of State must at all times be carefully guarded against the insidious influences of foreign powers. Speaking on that subject in the convention, Mr. Madison said: "Limited as the powers of the Executive are, it will be an object of great moment with the great rival powers of Europe who have American possessions to have at the head of our Government a man attached to their respective politics and interests."

At this critical moment when grave conflicts are impending between the interests of the American people and those of certain all-powerful European States, the President should not be subjected to the seductive influences of pomp, pageantry, and adulation in the banquet halls of kings. He should remain here in touch with the sympathies and interests of the American people.

As a practical illustration of the difficulties involved, let us suppose that after the President places himself beyond the limits of the territorial jurisdiction of the Constitution and laws of the United States he sends a nomination to the Senate for Secretary of the Treasury. A nomination is a continuing act which presupposes a legally acting President behind it. The moment he ceases to be such the nomination is automatically withdrawn by operation of law. If the Senate then attempts to confirm a nomination not legally before it, the confirmation will be void and the vast transactions of the Treasury will be clouded at once with the taint of illegality. The President is about to throw a monkey wrench into a piece of delicately adjusted constitutional machinery at a moment when it is running at high pressure.

In the presence of such an emergency, neither the Vice President nor the Congress should falter in the discharge of the supreme duty imposed by the Constitution, which the American people do not consider "obsolete." So plain is the law upon the subject of the prohibition in question that, since the adoption of the Constitution, no President has ever presumed to violate it. Excepting only one instance, when invading armies forced a momentary withdrawal, the executive, legislative, and judicial departments have been ever present at the seat of government ready to discharge all of their official functions. Therefore if the President, under evil advice, persists in his purpose at this critical moment to abdicate his office by absenting himself from the seat of government for an indefinite sojourn in foreign lands, while the Congress of which he is an integral part is in session, the fact that he has thus unlawfully put upon himself an "inability to discharge the powers and duties" of his office will be too plain for controversy.

It will thus become the imperative duty of the Vice President to take the oath of office as President and to assume all the duties and responsibilities thereof. If he falters, it will be the plain duty of Congress to direct him to do so by a joint resolution to that effect. And here the fact should be emphasized that neither the Constitution nor the presidential succession act makes any provision for a President of the United States pro tempore. After the Vice President has been sworn in as President he becomes such in the full sense of that term. No provision is made by law under which he can hand back the presidential office to his predecessor. If Vice President Marshall after he has become President as the law provides resigns or becomes subject to an "inability," the office will then pass on in the line which the presidential succession act defines. It will be entirely beyond his power to transfer it to anyone else; that can be done by the law alone. And so it appears that our matchless Constitution is equal to all emergencies.

With great respect, I remain,

Sincerely, yours,

HANNIS TAYLOR.

Mr. WILLIAMS. Mr. President, the newspapers have been full for the last two or three days of advertisement of a grand parade of tirades in opposition to President Wilson's contemplated visit to France and Great Britain. We were told that there was going to be a regular hurricane—perhaps an explosion of a volcano—and we have listened to the speech, or to the reading of the writing, rather, of the Senator from Illinois [Mr. SHERMAN]. That, I suppose, is the tornado and the volcano and the explosion which were to take place; and we are now left with the results. Parturiunt montes, nascetur ridiculus mus.



Amongst the complex concatenations of endless adjectives to which we have just listened I have failed to find any argument of any description. I find, upon the contrary, that the contention of the Senator from Illinois violates the precedents of Presidents who have reigned if not ruled in this country hitherto, or, to use a true American term, have presided in this country hitherto.

Now, Mr. President, in no true sense does the President of the United States personify the sovereignty of the American Republic any more than a Senator does or a Member of the House of Representatives. They are a part of the representatives of the sovereignty, which is the people. So all of this talk about a President losing the sovereign power while he goes abroad is absolute nonsense, and in using the word "nonsense" I mean no disrespect to the Senator from Illinois. There are behind him men wiser than he who are making the same mistake, if it be a mistake, who are at any rate making the same contention, whether they know better or not.

Mr. President, a king represents the sovereignty of his kingdom. An emperor represents the sovereignty of his empire. Yet the entire history of the world is full of visits of kings to other kingdoms, of emperors to other empires, and to kingdoms, and even to republics. It never was contended for one minute that one of them lost the sovereignty of his country or his own official status by making a trip of that sort.

Now, that is not all. The Senator from Pennsylvania [Mr. Knox] made a correction a moment ago about George Washington, I believe it was, and said that he went to Rhode Island after Rhode Island had come into the Republic. That is true. It is also true that he passed through Rhode Island on his way to Boston before Rhode Island came into the Republic. It is also true that Mr. Roosevelt went down on his way to the Panama Zone, which does belong to us and is under our jurisdiction, and after he got there he was upon American soil, but on his way he stopped at towns in the Panama Republic, which was foreign soil. It is also true that Mr. Taft went into Canada and was there absent several days; I do not remember how long; a gentleman in the cloakroom told me this morning he thought 10 days, but I do not remember. It is also true, as the Senator from Arizona [Mr. SMITH] remembers, that Mr. Taft went into Mexico and was absent in Mexico quite a time. It is also true that not even a Democrat antagonizing Roosevelt or Taft ever raised the question that that constituted inability.

Now, Mr. President, contrary to the opinion of a great many men who live now, the fathers who wrote this Constitution were men of tolerably good sense. They were men who excited the admiration of Gladstone; they were men who excited the admiration even of Napoleon Bonaparte, with all his war madness; they were men who received the praise even of the Hohenzollerns, of Frederick the Great, who was the greatest of the Hohenzollerns, and the only really great Hohenzollern. If they had wanted to say that absence from the territorial limits of the United States constituted an inability, they would have said so. If they had wanted to say that absence from the territorial limits of the United States constituted a temporary or permanent vacation of the office, they would have said so. They were not such asses that they did not foresee that sort of a possibility, even if they did not regard it as a probability.

They tried to take care of the future for the sake of the American people, and we have found that the Constitution is a thing that has thus far taken care of us and is very much superior to any form of bolshevism or any form of autocracy in the world. To say that they would have regarded a temporary absence from the United States to make a couple of speeches in Canada or to run down to Mexico and exchange courtesies with Diaz as constituting an inability to discharge the duties of the Presidency, or as a vacation of the office of the Presidency, and that they did not provide for it beforehand, is to accuse them of being veritable fools; and whatever else they were, George Washington was not a fool, Benjamin Franklin was not one, James Madison was not one, Witherspoon was not one, nor were any of these other men.

Kings, Emperors, Presidents, all have left the territory under the jurisdiction of their Governments and not one of them in the entire history of the world has ever been deprived of his official functions because of that reason, except when a revolution took place in his absence, when, indeed, for the most part, the absence was really due to flight for fear of revolution that was anticipated. Not one has been deprived of his official functions for such a reason in the whole history of the world. Parturiunt montes, nascetur ridiculus mus.

Mr. President, this endless concatenation of complex adjectives somehow does not sound to me like the Senator from Illinois; it does not sound to me as if he were willing to be guilty

of the sort of utterances that he has just pronounced. He read his speech, of course, and read it with good emphasis; read it in fine style, as he usually does, and with a degree of acting that made it funny at times, even when the Senator was seeking to be serious, and still funnier at other times when he was not seeking to be serious.

I doubt if any real lawyer, any real publicist, any real man of real common sense believes that Woodrow Wilson is doing anything wrong or unconstitutional, at any rate, when he is going to France. Gentlemen may bark and gentlemen may try to bite—"try to bite," I say; they can not bite; they may bark—but this war has produced some few great men—Clemenceau, "the Tiger"; Foch, the strategist; Joffre, the fighter; Haig, the Scotchman, with the Scotchman's persistency and hanging on; Rawlinson, the English bulldog; Allenby, the deliverer of Jerusalem; our own Pershing; David Lloyd George, broad-minded, philanthropic, true to democratic instincts; Woodrow Wilson, last but not least.

I warn gentlemen now that they can not tear either one of them down, now after this war is over and has been won, from the pedestal on which humanity has placed them. The worst they can do is to bark, and their bark will not even annoy to any very great extent.

The President of the United States knows that it is better for him to have a heart-to-heart talk with Clemenceau; that it is better for him to have a heart-to-heart talk with David Lloyd George; that it is better for him to have a heart-to-heart talk with the premier of Italy and with King Albert, the noblest soul that this war has produced, and find out the facts and the essential feeling of their respective peoples, which must not be defiled by them or us. Does he think that Mr. Wilson has got to communicate, then, every morning before breakfast with the august Senator from Illinois or the equally august Senator from Mississippi and have a debate about every point touched upon by him and them here in the Senate every day down to the boundary between Czecho-Slovakia and Jugo-Slovakia? Does not the Senator from Illinois know as well as I do that the President knows that the most important thing is to have harmony and to have as much of it beforehand as possible and as little of difference to be discussed afterwards as possible? Does the Senator imagine that the President ought to stay here and instruct his delegates to do this and to do that and to do the other thing, regardless of our allies and in ignorance himself of what they have to say in reply, or to cable to the public their differences before by mutual concession they are happily settled?

Mr. SHERMAN. He has been doing it all the time.

Mr. WILLIAMS. Well, he has not had any delegates over there thus far, and, by the way, he has not instructed the Senator from Illinois, and if he had and the Senator had obeyed his instructions, he would have been much wiser. [Laughter and applause in the galleries.]

THE VICE PRESIDENT. Just a moment. This is the last warning of the Chair to the galleries. They must stop their manifestations. The Chair instructs the sergeants at arms at the doors that if applause or any other manifestation occurs in the galleries the galleries must be cleared.

Mr. WILLIAMS. Mr. President, in addition to that, ladies and gentlemen in the galleries, I desire to say that applause always bothers me; that it always worries me.

Does the Senator from Illinois imagine that the President does not know that heart-to-heart talks with the other great men whom this war has developed—without taking it for granted now that the President regards himself as a great man; I merely so regard him; but my opinion is not worth more than that of the Senator from Illinois, and the Senator from Illinois regards himself, perhaps as most Senators do, as a greater man than Woodrow Wilson—but supposing he is right; the President is here; he occupies the position; he must act; and wanting to act, the more ignorant he is, as the Senator assumes him to be, the more he ought to want to confer with these great men and to find out from them what ought to be done. A President is to a large extent like a king; he is subject to the information that people choose to give him, and he is, therefore, very frequently misled, as old Ulysses Grant was, as you remember, very many times; as George Washington was by the whisperings of New England Federalists.

Then, what is there more reasonable than for the President to want to go to France and to say, "Mr. Clemenceau, you are the premier of the Republic of France, and I am the President of the United States; you are Clemenceau and I am Wilson. Let us see what the actual situation is as you understand it, and then please listen to me and catch it as I understand it. I do not want to stay back in America and instruct my delegates by cablegrams to insist upon this or insist upon that, or



die in the trench with this proposition or that, for France may not want it, or Italy may not want it, or England may not want it; and, above all things in the world, the most important thing now is harmony in details and in general essentials, so that we may not make asses of ourselves, as the republics and kingdoms in the Balkans did after they had whipped the Turk.

"If we leave it merely to messengers, if we leave it merely to people who are to be instructed by cablegrams, with all of the errors that may occur of misinterpretation and misconstruction, there is a danger of our fighting one another." Then, what becomes of the dream of peace? What becomes of "the parliament of man"? What becomes of the "federation of the world"? What becomes of the dream of the poets and the vision of the seers?

"Let us get together now. It is true," the President may say, "I have the Senate behind me; it must later on be consulted; its voice is potential." "It is true, Lloyd George, that you have the House of Commons behind you; it must later on be consulted; its voice is, as Blackstone said, omnipotent; it can do anything except turn a man into a woman or a woman into a man; it can do anything that can be done by law; and, Mr. Clemenceau, you must also consult with the French Assembly, but in the meanwhile let us try to get together; let the row not begin between us."

Then up jumps some Senator and says, "Oh, yes; but every morning he ought to cable to us and tell us that about half an hour ago Clemenceau said so and so, and David Lloyd George said this and that, and I said this, and I want the American Senate and the American people to stand behind me." That would be the conduct of an egotist, a megalomaniac, but it would not be the conduct of a man who lacks confidence in himself every now and then, as I know this President does. Somebody told me once that now and then he lacked confidence in the accuracy of his own judgment, and I said, "Every man of good sense does; they are only asses who do not." Somebody told me that he changed his opinion several times about several things, and my reply was along the same line. Every man of sense does; nobody but a fool does not. Men change, and their opinions and conclusions change with changed conditions. Nobody but a lawyer in a law case or a politician hunting office or a fool without any sense ever paid much attention to consistency.

If I should say to the Senator from Nebraska that he expressed a certain opinion four years ago and he is expressing a different one now, his probable answer as an honest man would be, "Well, if I expressed the opinion four years ago, I expressed it because I thought it was right then, and if I am expressing a different opinion now I am expressing it because I think I am right now."

Oh, Mr. President, this newspaper advertisement of the way they were going to fall all over Woodrow Wilson, starting from Illinois and winding up in Massachusetts, I believe, or all around the country, with a little help from the intermediate territory! And the first exhibition they made of themselves—what was it? They went over to the House the other day to listen to the President make an address with a sort of gentlemen's understanding that they were not to applaud him—they did not know what he was going to say, but there was a sort of gentlemen's understanding that they were not to applaud him. He had hurt their feelings by saying that he thought the Democrats ought to be elected to office.

Why, did you not know he was a Democrat, and did not the American people know it when they elected him? Do you contend that Grant or McKinley or Taft or any of the other Presidents did not regard themselves as chiefs of their party? Do you not know that every President has done so except George Washington, and that the only reason why George Washington's second administration failed was because he did not belong to any party, and therefore did not have any steady cohort to fight for what he thought was right and had nothing but volunteers in every little engagement? The hypocrisy of charging Woodrow Wilson with a great crime because he wants Democrats elected to office! Even that objection was not well founded, because when he found men upon his own side who were not true to the war and true to the ideals of the war his word went out against them just as significantly as it went out in favor of democracy generally.

What would he have been if he had been elected as a Democrat and had not been a Democrat? He would have been a hypocrite, would he not? Are you going to vote for any man as a Republican candidate for the Presidency and make him President later on that you do not think is going to stand by the tenets, the traditions, and the ideals of the Republican Party? You know you are not. So far as I am concerned, I have no apology to make for the President because he is a Democrat. If I had had the slightest doubt of his Democracy, I never would have voted

for him. "Parturiunt montes, nascetur ridiculus mus!" Going all the way, I reckon, from the remote West plumb to New England, where the Brahmins live! I reckon some of you have forgotten that John Adams was a Federalist. I guess some of you have forgotten that Andrew Jackson was a Democrat and never made any shame of it. Some of you on the other side think that you beat the President. You did not beat the President. The people beat the Democratic Party in the last election. Do you know why? Because your party, taking it upon the percentage basis, had been truer to the war than we had—and when I say "we," I mean my party.

We had men in the other wing of this Capitol, and we had men here calling themselves Democrats, and several of them in high position of committee vantage, that were sticking the President every chance they got with a fine Italian dagger. I have come to the conclusion that the American people put you in office in these two Houses because they thought maybe you could be more safely trusted to stand behind the President than a lot of our fellows could be. That may be an error, but that is my opinion, because I have found a good many Mississippi Democrats talking that way, even Mississippi Democrats, who never voted any other ticket than the Democratic ticket and would not do so to save their lives. But we had got rid of these traitors. The people ought to have known that we would get rid of them.

And now, Mr. President, I imagine the difficulty the Senator from Illinois will have, together with all of the wiser men behind him, who are going to spend the next two weeks attacking Woodrow Wilson, if they can manage to get the time—and I suppose they will—I imagine the difficulty they will have in persuading the old Indiana Democrat in the Vice President's chair that he should qualify as President of the United States while Woodrow Wilson is in Europe having heart-to-heart talks with Clemenceau and David Lloyd George. You know you might just as well have tried that on me, if I had happened to be Vice President. You know that sort of camouflage does not go.

You know the American people do not misunderstand it. They know it is blind partisan hate, malice, and uncharity. All in the world you have got to do is to give yourselves two weeks' rope, and at the end of two weeks of unlimited rope the American people will have spotted you, and there will be enough of them getting religion and going on the mourners bench and confessing before God and man that they made an awful mistake in the vote they cast at the last election, to render the next presidential election secure, unless you happen to get a military hero and we do not, and if that should happen God only knows what will become of us.

Mr. President, I believe in loyalty to a cause when it is a good cause, to a man when he is a good man and a strong man and an able man. I have never taken shame to myself for loyalty to any of the great men that I have ever known. I have taken pride to myself that I trusted them rather than my own judgment at various times. Whatever else this war has resulted in it has resulted in proving in Woodrow Wilson's case that a prophet is not without honor save in his own country, and not altogether without honor even there. He is so much greater, he is so much wiser, he is so much longer visioned, he is so much gentler visioned than the men who think they are making political capital by attacking him that there is no comparison.

This Republic has furnished five great Presidents, and he is one of the five. And your children and your grandchildren, in spite of what you have heard to-day, with all its endless concatenation of complex and senseless adjectives a Illinois, will be taught in the history books by the school-teachers in your own State and in your own party to revere and honor him. He is not with a Scotch name and a Scotch jaw for nothing, and he is not afraid of anything; and he does not go around bragging about not being afraid, either. He is going to do what he thinks is right, not only for America but for the world; and he is going to try to get out of this, if he can, by heart-to-heart talks with Lloyd George and Clemenceau and the Italian premier and the Belgian King and the balance of them, a comparatively permanent and a just peace and, if possible, a league of nations to preserve the peace of the world.

Now and then somebody tells me: "That is all impracticable, and you can not have it." Why not? I suspect that when the first man started and told people that they had to stop their private rows and quit killing one another and go to a court of justice and settle their difficulties that somebody else said: "Oh, well, that is all humanitarian and all that, but there is no sense in it, and it can not be done. Sherman will not put his weapon up, and Williams will not 'bury his club'; but Sherman and Williams did, after a while. They tell me that you would 'have to have the whole civilized world agree to it.'" I say no. I say that the allied nations alone can agree to this in the treaty of peace: "Hereafter we will declare beyond the pale



of civilization any civilized country that dares make war upon another without having previously offered to leave the question in controversy to a fair and impartial arbitrament; and if any country will do it, that country will be declared beyond the pale of civilization. We will cut off her traffic and her travel on the high seas and, as far as we can, by land. We will put the construction of sea power on her; and the minute she quits the path of insanity and comes back into the broad path of civilization, quits making the war to which we objected, then we will let her join this alliance, too, if she sincerely wills consent and repentance." We will go further; we will say that after we have declared a nation like that to be beyond the pale of civilization, we will not only cut off its traffic and its travel upon the high seas, and upon land as far as we can, but we will declare it to be "the enemy of mankind," and we will make united war against it.

You never see the force of the constable and the sheriff behind the justice of the peace or the circuit court, except when he opens court and declares it adjourned; but everybody knows it is there, and, as a consequence, nobody defies it, or at least nobody but a very reckless man. And so in this agreement you will not have to whip the country that wants to get beyond the pale of civilization, because it will not get there. It will be afraid to try. Even Hohenzollern would have been afraid to go into this war if he had known the civilized world was going to face him.

"Oh, well," you tell me, "but maybe Italy will not agree; maybe France will not agree; maybe Japan will not agree; maybe Roumania has private irons in the fire; maybe Serbia has, so that you can not get her to join in the agreement." I tell you that the two English-speaking races by themselves can do it. We have the sea power of the world. Great Britain has just demonstrated what sea power amounts to—constriction, throat-grappling, starvation if necessary, deprivation of raw materials, deprivation of industrial life, control of overseas traffic and travel. These United States have the second largest navy in the world, and before many years roll around we will have the largest. I tell you that if nobody else goes into the league of nations except the English-speaking races, the great confederacy of States here, the great confederacy of Provinces over there, Great Britain, Scotland, Wales, Ireland—except the Sinn Feiners, who amount to practically nothing—the Canadians, the Australians, the New Zealanders, the South Africans, the most loyal of all Britain's Provinces, because she acted most magnanimously toward them, they and we, with our law, our language, and our courage and resources on land and at sea, are enough.

By our sea power, by our control of raw material, by our control of the economic resources of the world, such as iron and copper out in your country, gold farther Northwest, and cotton down South, without which nobody can exist, we alone, if the balance of the world will not come into it, can agree that any civilized nation that makes war upon another without first either agreeing or offering to leave the question in controversy to fair and impartial arbitrament shall be outside of the pale of civilization and our enemy, and that their travel and traffic upon the high seas shall be terminated, that their access to raw materials shall be terminated. We two—Republic and Empire—alone can bring about the peace of the world for a hundred years if we have the courage to try.

That is what Wilson has gone to Europe to try to consummate—the dream of poets, the vision of prophets, the heart-wish of good men and good women for a thousand years—peace, honorable peace, permanent peace, just peace; just even to our enemies, but not overmerciful to them, because in order to be just they must pay retribution. David Lloyd George says that they must account for what they have stolen and what they have taken, and, as far as possible—although it is not possible to measure it in money—for what they have murdered and what they have raped. But all the same, a just peace, leaving to every language on this globe the right to homologate itself with the nationality, so that the Czecho-Slavs and the Jugo-Slavs and the Serbians may go together; the Poles, whether in Prussia or Russia or Austria, may flock together; Schleswig, stolen from Denmark, may go back to Denmark; Alsace and Lorraine may go to France; Roumania may be independent, with the Roumanians in Bessarabia and Transylvania; all of that. Those are details that Wilson does not propose to handle by himself.

What would you think of Mr. Wilson if he should send word by cablegram to the French and English and Belgian and Serbian authorities of the demands that he made, instead of going over there and saying it to one another in heart-to-heart talks and by mutual concession arriving at unity of purpose and harmony of action? Is there one of you who does not believe he is doing the best he knows how, even if you think he is a

fool and unfit to be a member of this august body, as not many of you do? Is there one of you who does not really think in the bottom of your heart that he is doing the best he can? Is there one of you who thinks he is guided by a dishonest purpose? Is there one of you who thinks that he is motivated by an unpatriotic purpose? Is there one of you who thinks he deserves the adjectives that have been poured out on his defenseless head this morning? I do not believe the utterer of them does. Whatever else he may be, however much you may dislike him, however much he may have disagreed with some of you on this side about patronage and other things and some of you on the other side about political principles, there is not one of you that will go to your bedside to-night and tell God in secret converse that you believe that he is either unpatriotic or dishonest or that he has any purpose in the world except not only the good of the American Republic but the general welfare of the civilized world.

Why bark at him all the time? Are you barking at him with the idea that it will damage him? It will not. You are digging your own graves when you try to dig his. If you bark at him with the idea that it is going to help you, it will not. Now, whenever you find him making a mistake, call attention to it; call attention from the housetops; call his attention, amongst others. My personal experience with him has been that he is the quickest man to correct an error that ever I came into official contact with when he finds out that it is an error, when he is convinced of it. He is as stubborn as he can be until he is convinced.

There we are—Clemenceau representing France; Lloyd George representing Great Britain, who went to his people to find out whether they wanted him to continue to represent them or not, as doubtless Wilson would if he could do it under the Constitution of the United States. There are certain personal selfish British, certain personal selfish French motives, that this country, unconcerned with any territorial or monetary advantage, is divorced from. We want to have all of the influence we can over there with them to bring about a permanent and just peace; as nearly as possible "a parliament of man and a federation of the world"; and what are you doing here? Weakening your own agent every day, throwing adjectives at his head, accusing him virtually of idleness, of un-Americanism—weakening him in the council, so that if you can help it America shall not predominate, but somebody else will.

What do you want to do it for? Will it help your children? Will it help your grandchildren? Will it help the American Republic? Will it help democracy in the world? Will it help civilization from one pole to the other, as near to either pole as civilization stretches? You know it will not.

What is the next Presidency of the United States compared with what we may do in this war? I stood upon this floor six months ago, I believe, or eight, and I said that if the blackest Republican ran against the best Democrat that ever existed, and that Democrat had not supported this war from beginning to end and the Republican had, I would vote for the Republican. I was accused of partisanship for making that statement. As a matter of fact, it was the most extremely unpartisan utterance that could be made by anybody.

Oh, the iron hand in the velvet glove; protestations of fairness; constitutionality coming from the party that never respected the Constitution 10 years of its existence, that was born defying it—to wit, the fugitive slave law, that was then a part of it—that continued to defy it after the war as well as during it! All at once, nicely caught with the little complexities of constitutional toilet arrangements, cosmetics upon the face, chiefly, you try to make a scapegoat out of Wilson.

Well, you can not make a scapegoat out of anybody that is not a goat to start with, and especially not if he is wiser than the man who attacks him is—and frequently he is; not always; of course never when a Senator attacks him. Of course, when a Senator attacks anybody he is being attacked by a sort of a German superman; almost an American Hohenzollern, that is capable of everything wise and nothing foolish, not even an utterance accidentally.

I want to leave you this thought: How is all this going to hurt him? How is it going to help you? How is it going to help your posterity? How is it going to help the American Republic? How is it going to help American influence in Europe? How is it going to accomplish any good end of any description for the purposes of civilization or democracy or humanity?

The VICE PRESIDENT. The hour of 2 o'clock having arrived the Chair lays before the Senate the unfinished business, which is Senate bill 4637.

LEAGUE OF NATIONS.

Mr. LEWIS. Mr. President, may I avail myself for a second, not holding the morning hour to have concluded, to give notice

that I will address the Senate, with the Senate's permission, on Friday morning after the close of the morning business on the subject of the proposed league of nations for peace.

#### PAYMENT TO HON. CHRISTIE BENET.

Mr. THOMPSON. Mr. President, I desire to report back favorably, without amendment, from the Committee to Audit and Control the Contingent Expenses of the Senate, resolution No. 363, and I ask to have it considered at this time.

Mr. McKELLAR. That may be done with the understanding that the unfinished business will not be displaced.

The VICE PRESIDENT. The resolution will be read.

The Secretary read the resolution, as follows:

*Resolved*, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate to the Hon. Christie Benet the sum of \$554.79, being the compensation of a Senator of the United States for 27 days—November 6 to December 2, 1918, both dates inclusive—during which he served as Senator from the State of South Carolina.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. CURTIS. Mr. President, I object to the present consideration of the resolution. I should like to ask the Senator reporting the resolution to make a little inquiry before he brings it up again. I understand that the Senator elect from the State has been paid the salary from the date of the election. Under the Constitution the term of Senator Benet expired on the day of the election of his successor. Therefore I doubt very much if he is entitled to this extra salary. Surely Congress will not pay a double salary during that time. If the Senator elect has not been paid, then there might be favorable action upon the resolution, but personally I shall object to its consideration until we can get the facts in the case.

Mr. THOMPSON. This is simply a favorable report from the committee on the resolution.

Mr. CURTIS. It is not the question of a favorable report.

Mr. THOMPSON. I will state in reply to my distinguished colleague that we have a very striking example in the State of Kansas, and one very much in point. The same situation arose when the distinguished Senator came to the Senate in place of Senator Benson. He drew the salary in the interim, the same as in this instance, as I am informed; and this, I am told by all the older Senators, has been the universal custom in the Senate in a situation of this kind. I have numerous precedents, and it has never been questioned before that I know of. I have no interest in the matter except to do justice to a Senator who has served in the Senate without pay and to do justice to his State. Of course, if my colleague objects, the resolution will simply go to the calendar and can be taken up and disposed of as the Senate sees fit at the proper time.

Mr. CURTIS. Senator Benson did draw the salary until I took the oath; that was the old practice. Before the Constitution was amended, a Senator was appointed to serve until his successor was elected and qualified. I was elected by the legislature in 1907. I was not elected until the 23d day of January, and I took my seat in the Senate on the 29th of January. But under the Constitution as it now is, with the constitutional amendment with regard to the election of United States Senators, a newly elected Senator to fill an unexpired term is entitled to his office and entitled to pay from the day he is elected. That question has not been decided and there are no precedents since the adoption of the constitutional amendment.

I am informed that the financial clerk or the Secretary has been notified that the new Senators are entitled to their pay from the date of the election. If that is so and this resolution is adopted Mr. Benet will be paid for time for which the newly elected Senator has been paid. I do not think the Senate wants to set a precedent of that kind.

I will state to the Senator from Kansas that Senator Benson drew his pay until the 29th of January, 1907, and your humble servant drew the pay from the 29th of January, 1907. There was no double payment during the time.

I object to the consideration of the resolution.

The VICE PRESIDENT. On objection, the resolution goes to the calendar.

#### CALLING OF THE ROLL.

Mr. MYERS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

|             |            |               |                  |
|-------------|------------|---------------|------------------|
| Ashurst     | Colt       | France        | Henderson        |
| Bankhead    | Cummins    | Frelinghuysen | Hitchcock        |
| Beckham     | Curtis     | Gay           | Johnson, Cal.    |
| Borah       | Dillingham | Gronna        | Johnson, S. Dak. |
| Calder      | Fernald    | Hale          | Jones, N. Mex.   |
| Chamberlain | Fletcher   | Harding       | Jones, Wash.     |

|             |             |              |            |
|-------------|-------------|--------------|------------|
| Kellogg     | Martin, Va. | Pomerene     | Sutherland |
| Kendrick    | Moses       | Ransdell     | Swanson    |
| Kenyon      | Myers       | Robinson     | Thomas     |
| Kling       | Nelson      | Saulsbury    | Thompson   |
| Kirby       | New         | Shafer       | Townsend   |
| Knox        | Norris      | Sheppard     | Trammell   |
| La Follette | Overman     | Sherman      | Underwood  |
| Lewis       | Page        | Smith, Ariz. | Vardaman   |
| Lodge       | Penrose     | Smith, Ga.   | Walsh      |
| McCumber    | Phelan      | Smith, Mich. | Warren     |
| McKellar    | Pittman     | Smoot        | Watson     |
| McLean      | Polindexter | Spencer      | Williams   |
| Martin, Ky. | Pollock     | Sterling     | Wolcott    |

Mr. McKELLAR. The senior Senator from Tennessee [Mr. SHELDS] is absent on account of illness. I ask that this announcement may stand for the day.

Mr. SUTHERLAND. My colleague [Mr. Goff] is absent on account of illness.

The PRESIDING OFFICER (Mr. KENDRICK in the chair). Seventy-six Senators having answered to their names, there is a quorum present.

#### LEAGUE OF NATIONS.

Mr. KELLOGG. Mr. President, I wish to give notice that on the next legislative day, immediately after the close of the morning business, I will submit some remarks upon the subject of the league of nations and incidentally upon the resolution submitted by the Senator from Pennsylvania [Mr. Knox].

#### CIVIL-SERVICE RETIREMENT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 4637) for the retirement of employees in the classified civil service.

Mr. McKELLAR. I ask for a vote on the pending amendment. My understanding is that that is the amendment offered by the Senator from Wyoming [Mr. WARREN].

Mr. THOMAS. Let the amendment be read.

Mr. POMERENE. Mr. President, before amendments, particularly those that may be regarded as of primary importance, are voted upon, I desire to discuss what I conceive to be the merits of the pending bill, and to explain the provisions of the substitute which I have offered therefor. With the permission of the Senate, I should like to ask the chairman who has charge of the bill how many members of the committee approved the measure.

Mr. McKELLAR. Practically all. One or two said they would like to offer amendments. The Senator from Iowa [Mr. CUMMINS], I think, is the only one who reserved that right.

Mr. THOMAS. I shall offer an amendment to the bill some time before the final vote is taken.

Mr. POMERENE. Mr. President, in discussing the bill I want to state preliminarily that I am in hearty sympathy with the purpose to adopt some system of retirement. It was my privilege to be a member of the Committee on Civil Service and Retrenchment for a number of years, and for two years to preside over the committee. The committee then prepared a bill which was reported to the Senate, and which is the same bill I have given notice I would offer at the proper time as a substitute for the bill now pending before the Senate.

I think that everyone who has given attention to the subject of the civil service not only in Washington but throughout the country must recognize the fact that there are a large number of superannuated employees in the service who are rendering little, if any, service for the stipend they now receive, but who have given long service to the country, and who it would be almost cruel to sever from the service without making some provision for them. When I say this I am not unmindful of the fact that some of these employees have not been faithful servants. I assume that the most of them have been, and I am going to discuss this subject on that theory.

I hope that before this Congress adjourns there will be some legislation upon this subject for the relief of the superannuated employees in the civil service. But, Mr. President, I must confess my very great disappointment with the bill which has been presented by the committee. While I am not a prophet nor the son of a prophet, I offer the prediction that if it is adopted it will prove not only unsatisfactory to the public, but it will prove more than unsatisfactory to the employees themselves.

Mr. McKELLAR. Will the Senator yield to me?

Mr. POMERENE. Yes.

Mr. McKELLAR. The Senator understands that the representatives of all the employees' associations signified their approval of the pending measure?

Mr. POMERENE. I have heard the Senator make that statement half a dozen times, and I challenge the statement that the measure meets with the approval of the employees in the country generally. I have seen no evidence of it in the hearings save and except that certain representatives have come here and said that it had been submitted and it met their approval.



Mr. McKELLAR. Of course, that is the whole question. I do not know of anything else to go by except what they represent.

Mr. POMERENE. If the Senator will bear with me I think I can demonstrate that fact to the satisfaction of some Senators at least.

Mr. President, let us for a brief time analyze the bill as it is presented. In the first place, in section 1 it divides the employees into two classes, those who will be retired at 68, and the city and rural letter carriers and railway mail clerks, who shall be eligible for retirement at 65 years.

Section 2 divides these employees into four classes. Class A embraces those who have served for a period of 30 years or more; class B those who have served for a period of 25 years or more but less than 30; class C those who have served for 20 years or more and less than 25; class D those who have served for 15 years or more but less than 20 years. The annuity provided in the bill for employees in class A is 50 per cent of the employee's average annual salary for 10 years next preceding the date of his retirement, with the proviso that no annuity shall be in excess of \$600 per year. I should like Senators to recognize the inequalities in this classification. In class B, 40 per cent of the salary, but it shall in no case exceed \$540; class C shall receive 30 per cent of the average annual basic salary for the 10 years next preceding the date on which he or she retires, but their annuity shall in no case exceed \$480; and class D shall receive 25 per cent of the salary for the last 10 years preceding their retirement, but in no case shall they receive more than \$420.

Senators will see that under these provisions a man or woman who has worked 19 years gets no greater pension than the one who has worked 15 years. The one who has worked 20 years will get \$60 per year annuity more than the one who has worked 19 years. The same variation exists in each of the classes to which I have referred.

Mr. President, this bill is based upon the so-called half-and-half plan. Bear in mind that there have been proposed at various times three methods of pension. One is a straight pension payable by the Government after a certain number of years upon reaching the retirement age; a second is made wholly contributory; a third is partly contributory and partly a straight pension, or at the expense of the Government. Under the bill which has been presented to the Senate it is provided that half of the expense shall be paid out of the Public Treasury and half of it shall be paid by the employees.

The report indicates that it was the judgment of the committee that it would require for the pension system herein devised a system of money equal to 5 per cent of the total salaries of the employees in the classified service, and it is proposed that 2½ per cent of this shall be payable out of the public funds of the Treasury and 2½ per cent of it shall be payable by the employees themselves.

I wish Senators would bear with me while I analyze that proposition. Remember that the age at which the employees retire here is 68, save as to certain classes, who retire at 65 years.

So if young men or young women enter into the public service at the age of 20 years they must contribute 2½ per cent of their salary for 48 years before they are entitled to the pension; that is, if they are in that class that are retireable at 68. If a man enters the service at 67, then he only pays 2½ per cent of his salary for one year, and straightway he is entitled to a pension for the amount required here, within one year from that date.

It may be suggested that men and women ordinarily are not received into the service at that advanced age; but allow me to suggest that it does provide that in completing the time of the service they can take into consideration the length of service that they have rendered in the unclassified departments. So Senators will see that if an employee of the Government was in the unclassified service with no intention to remain in the service permanently, but had probably served 14 years and then severed himself from the service, by making certain payments, if he desired to go back into the service again, he can serve one year more and then be entitled to the pension provisions of the bill.

More than that, Senators; at one time when this bill was before the committee, so I am advised, there was a limitation upon the amount of the assessment which could be made against any employee of \$50 per annum, no matter what his salary. That provision has been eliminated, and now no matter how diligent an employee may be, no matter how skillful he may be, no matter how high a salary he may get, he is compelled to pay 2½ per cent of that salary each year during the entire length of his service in order to become entitled to an annuity of \$600 a year.

Let us follow that up a little further. Assume that the employee is getting a salary of \$1,200 a year at 20 years of age.

Two and one-half per cent is \$30. If by his own ability and by reason of the character of the service he is advanced in a year or two so that he gets \$3,000 a year, he is compelled to pay 2½ per cent of that, or \$75 a year. If he should be receiving for any portion of this period \$5,000 a year, he must still pay 2½ per cent of that \$5,000, or \$125 per year; in other words, under this system, instead of speaking of it as a system one-half of which is maintained at the public expense and one-half of it at the expense of the employees, we ought to be perfectly fair with the public, we ought to be fair with the employees themselves, and we ought to be fair to the taxpayers and tell them the real truth about it. You will find, on an investigation of this bill, that you make each of the employees under this system an insurer for the other employees; you have the young man the insurer for the old man; the young woman an insurer for the old woman. In my judgment, if anybody is to be the insurer for any of these employees it should be the public and not one employee for the other.

Why, Senators, the system here adopted is going to make it attractive for the older people to get into the service and unattractive for the young man to stay in the service. I do not think it is quite right to require one employee, a young man or a young woman, who enters the service at 20 years, to pay 2½ per cent of his or her salary, no matter what it may be, for a period of 48 years, and get, at the most, an annuity of only \$600 a year; and to say to another man that it is only necessary for him to be in the classified service for one year and to pay 2½ per cent of his salary in addition to certain payments which are required, and then get the same annuity that the other man gets.

Mr. President, I made a statement here a moment ago which seemed to question the facts as given by the chairman of the committee; and I want to say now that I did not make it or intend it in an invidious way, for I am sure that Senators will agree with me that, even though we differ, the Senator from Tennessee would not willfully make a misstatement. I have no doubt that he based his statement upon certain representations made by representatives who had the subject in charge.

I have examined the testimony pretty carefully. I know that some statements have been made to the effect that they are all satisfied with this plan, but I fail to find any statement in the record to the effect that the men who are getting \$2,000, \$2,500, and \$3,000 a year are willing to pay 2½ per cent of their salary during all these years for the benefit of somebody else.

That question has been raised not by me alone, but by Dr. Maddrill, who was the actuary who appeared before the committee and discussed this very problem.

Before going into that portion of his testimony, however, in order that I may present the view of the witness consecutively, I desire to read a few lines. It will be noted that a statement is made in the report to the effect that to maintain the system here adopted it would cost not to exceed 5 per cent of the salaries. Though I am not able to place my eye upon it just at this moment, Senators will find, in any event, that statement is contained in the report. Dr. Maddrill was before the committee and was asked this question:

THE CHAIRMAN. Doctor, you do not feel that there is any doubt about 5 per cent being sufficient to pay the annuities provided for in this bill, do you?

MR. MADDRILL. Five per cent will cover the annuity as provided in the proposed plan.

That was some other plan, as I understand.

MR. JORDAN. But not in this one?

MR. MADDRILL. It will be 5 and a fraction in this one.

THE CHAIRMAN. I thought you stated before that 5 per cent would cover it.

MR. MADDRILL. My statement was that the 5 per cent would come within a few tenths of 1 per cent.

MR. JORDAN. It can be referred to still as a 5 per cent bill?

MR. MADDRILL. It can be referred to still as a 5 per cent bill.

So, according to this testimony, the cost of the bill would be 5 per cent plus a few tenths less than 1 per cent more. Again, he was asked by the chairman this question—I read from page 26:

THE CHAIRMAN. Now, you have changed your mind about this, Doctor, have you not, since you testified about it in the beginning?

MR. MADDRILL. No, Senator.

THE CHAIRMAN. Because, as I understood, when you brought up the last figures on it before its introduction you believed that this bill was a very fair measure, looked at from the half-and-half basis, and one that was practical and that Congress might well pass. Now, why have you changed your views about it?

MR. MADDRILL. May I respectfully say, Mr. Chairman, that my views have not changed?

THE CHAIRMAN. Yes.

MR. MADDRILL. My relation to the bill has changed somewhat. It seems to me now that I am put in the position of one who really is made responsible for proposed economic provisions which I could not feel that I would like to be sponsor for. One of them, for example, is this: After my suggestions were made with regard to the bill—

Now I come to that part of the testimony to which I referred a moment ago—

the \$50 maximum deduction was struck out, against my protest. That struck me as absolutely unfair to the employees—not, of course, of the lower salaries, but of the higher salaries. The bill as now printed proposes to take from the higher-paid employee twice what he would pay to an insurance company which receives the expenses of doing its business and a profit.

The CHAIRMAN. If he is willing to do that, why should outsiders complain?

Mr. MADDRILL. I doubt, Mr. Chairman, from my observation and from what has come to me, if he is willing.

The CHAIRMAN. I beg to take issue with you, Doctor. They have sent their representatives here, who all say they are in favor of it; and I believe I have gotten one letter—there may have been two, but I think only one letter—that disapproves of the bill.

I will say that since this bill has been published it has been given wide distribution; the print has been exhausted, and we have had to have new editions of it printed and sent out, and I have applications for it at all times, and I get many letters about it, all of which have been of approval except one from some gentleman here in the city, whose name I do not now recall, who disapproves of it on a number of grounds; and practically all of them approve of it regardless of how much they contribute and how much they do not; and here are all their representatives here who are approving it, and these representatives would not approve it unless the men behind them did approve it.

Mr. JORDAN. That is right.

The CHAIRMAN. We know that from actual experience; and I am not going to approve anything here for these people unless they are behind it.

Mr. MADDRILL. Mr. Chairman, may I question whether the employees of the salaries above \$2,000 have really had this brought to their attention? The representatives here, I think it should be stated in justice to themselves and to my former statement, are voicing the attitude of the employees who are not receiving the higher salaries.

Senators, bear in mind that there are nearly 300,000 of these employees in the United States in the classified service. I recognize the fact that we get in the habit of receiving committees, and that those committees say, "Yes, our constituency approves of this bill"; but I should like to know whether they explained to the Government employees throughout the 48 States of the Union that under this scheme it is proposed to charge some of the employees on a so-called 50 per cent plan enough to pay the entire expense of their insurance and other employees twice the cost of their insurance, while as to others they will only pay a very small per cent.

Mr. McKELLAR. Mr. President—

Mr. POMERENE. Pardon me a moment. In other words, it is proposed to have the young men here the insurers for the middle-aged and the old men. There can not be any question about that, and my guess is that if we could hear the voice of those who are getting the larger salaries or who are likely to get them, they would say, "Why should we be insurers for others? If anybody is to be insurer for the other, why should it not be the Government that has received their years of service?"

Now I yield to the Senator from Tennessee.

Mr. McKELLAR. Mr. President, the Senator from Ohio asked what the sentiment is from each of the 48 States composing this Union. I will ask the Senator if he has heard from any of the associations from his State; and if so, what they asked him to do about the matter?

Mr. POMERENE. Mr. President, I have not heard from these gentlemen out in the States.

Mr. McKELLAR. Has the Senator heard from any of them in the employment of the Government?

Mr. POMERENE. I heard from one here the other day, opposing this bill very much. I do not know whether he was speaking individually or in a representative capacity.

Mr. McKELLAR. Has the Senator heard from none in favor of the bill?

Mr. POMERENE. Mr. President, I have not had much correspondence on this subject, but I had a vast deal of correspondence about it for a period of two years, while I was a member of the committee. I think I know something of the sentiment, and I know that it is a very easy thing to say, "We have adopted a half-and-half plan; you will only have to pay one-half of the cost of your annuity"; and immediately those who do not understand the system say "amen" to it; but what would be the result if you were to go to these employees and say to them—to a young man or to a young woman—"Do you understand that when you are paying 2½ per cent, if you are less perhaps than 30 years of age, you are paying almost the entire cost of your insurance; and if you are getting one of the higher salaries you are perhaps paying double the cost of your insurance, while certain others will only be paying a small percentage of their insurance?" That is the situation, and my judgment is that it takes more than a recommendation signed by some committee to demonstrate that that is a fair system.

Now, Mr. President, let me go a little further.

Mr. KING. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER (Mr. FERNALD in the chair). Does the Senator from Ohio yield to the Senator from Utah?

Mr. POMERENE. I yield.

Mr. KING. This matter is of so much importance that I feel the Senator ought to explain it to more Senators than are now upon the floor, and I suggest the absence of a quorum.

Mr. POMERENE. Well, Mr. President, that has been one of the difficulties with this subject; we can not get Senators to take the matter up and give it the attention it really deserves.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

|               |                  |              |            |
|---------------|------------------|--------------|------------|
| Baird         | Henderson        | Norris       | Smoot      |
| Bankhead      | Johnson, Cal.    | Overman      | Spencer    |
| Beckham       | Johnson, S. Dak. | Page         | Sterling   |
| Calder        | Kellogg          | Penrose      | Sutherland |
| Colt          | King             | Phelan       | Thomas     |
| Cummins       | Kirby            | Poinexter    | Thompson   |
| Curtis        | Knox             | Pomerene     | Townsend   |
| Dillingham    | La Follette      | Ransdell     | Trammell   |
| Fernald       | Lewis            | Robinson     | Vardaman   |
| Fletcher      | McKellar         | Saulsbury    | Warren     |
| Frelinghuysen | Martin, Ky.      | Shafroth     | Watson     |
| Gay           | Martin, Va.      | Sheppard     | Wolcott    |
| Gerry         | Moses            | Smith, Ariz. |            |
| Gore          | Myers            | Smith, Ga.   |            |
| Gronna        | New              | Smith, Mich. |            |

Mr. SHEPPARD. I wish to announce that the Senator from Oregon [Mr. CHAMBERLAIN] is detained from the Senate on official business.

Mr. SUTHERLAND. I desire to announce the absence of my colleague [Mr. Goff] because of illness.

The PRESIDING OFFICER. Fifty-seven Senators have answered to their names. A quorum of the Senate is present.

Mr. POMERENE. Mr. President, while the roll was being called, a Senator kindly directed my attention to the statement in the report of the committee which I was seeking to find, but was not able to place my eye upon at the moment. It is on page 4:

A number of conferences were held and finally Dr. Maddrill reported that the present bill, which was introduced on June 3, 1918, would cost the Government and the employees not more than about the sum of 5 per cent of the salaries of all the employees.

I have read from Dr. Maddrill's testimony, in which he says that it would cost a few tenths less than 1 per cent in excess of the 5 per cent; and that fraction of 1 per cent means millions of dollars in the administration of this proposed law.

Mr. President, I also call your attention to another statement in the testimony of Dr. Maddrill, in which he says with respect to the cost of a system incorporated in this bill:

The bill as now printed proposes to take from the higher paid employee twice what he would pay to an insurance company which receives the expenses of doing its business and a profit.

Does anybody believe that these employees are willing to pay for Government insurance twice the amount that they would be required to pay for private insurance?

Now, let me call the attention of the Senate to a paragraph in the report that I submitted on February 13, 1917, as the chairman of this same committee, the membership of which was substantially the same as the membership of the committee now. I refer to that portion of the report which speaks of the amount of the assessments. Let me explain preliminarily that I had not the exact figures before me, but these estimates of the amounts of the assessments are based upon what the average salary or pay of the employees would be. I can not state exactly, what that is, but I can throw some light upon it by stating that the average salary of those 70 years of age and over in 1917 was \$1,160 per annum. Now, I assume that the average salary would not be much more than \$1,200 or \$1,300 or \$1,400 probably.

Under a system which contemplates that when it is completely established it shall be self-sustaining, at the age of 20 the total cost of this annuity would be 3 per cent; at the age of 25, 4 per cent; at the age of 30, 5 per cent; at the age of 35, 6.5 per cent; at the age of 40, 8 per cent; at the age of 45, 11.5 per cent; at the age of 50, 16 per cent; at the age of 55, 23.5 per cent; and at the age of 60, 39 per cent.

These were estimates which were submitted by Mr. Herbert D. Brown, the Chief of the Bureau of Efficiency. That is the total cost—3 per cent when 20, 39 per cent when 60. Under the pending bill one-half of it will cost 2½ per cent of everybody's salary, the 2½ per cent being sufficient to pay the entire assessment of the younger men, but being sufficient only to pay a modicum of the cost of those of 50 or 60 years of age or older.

Further, Mr. President, let me call the attention of the Senate to another statement in the report. It was stated the other day in the discussion of this measure that it met with the President's approval, provided it did not make any drain upon the Treasury during the period of the war, and the statement was made that it was not going to make any drain upon the Treasury during the period of the war. That must be explained. The report tells us that the estimated receipts at 2½ per cent from employees during the year 1920 would be \$9,000,000. Now,



bear in mind, please, that the \$9,000,000 is only supposed to pay one-half of the cost of this system. It must follow, then, that the whole cost when the system is finally installed would be twice \$9,000,000, or \$18,000,000 per year. I want Senators to note the table that is submitted here. In 1920 it is said that the receipts from the 2½ per cent would amount to \$9,000,000; in 1921 this 2½ per cent would amount to \$9,400,000; in 1922, \$9,500,000; in 1923, \$9,600,000; in 1924, \$9,700,000; and in 1925, \$9,770,000. The pensions during those years, it is said, would cost the following amounts: During 1920, \$1,732,000; in 1921, \$1,972,000; in 1922, \$2,154,000; in 1923, \$2,400,000; in 1924, \$2,589,000; and in 1925, \$2,778,000. But here you have no statement as to what is going to be the cost of this system during the subsequent years. It is a gradual and a rapidly increasing sum.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Utah?

Mr. POMERENE. I yield.

Mr. KING. Has the Senator figured what it will cost if we take over the railroads, the telegraphs, the telephones, and all of the public utilities, and the copper mines, and have ten to fifteen million employees who will be under the civil service?

Mr. POMERENE. No, Mr. President; but I am going to give you some figures that will startle you, even assuming that the amount of 2½ per cent of the pay roll will not increase during the next 60 years. The 2½ per cent assessment amounts to \$9,000,000 per annum; that is, one-half the cost of this system. The total cost of the system, therefore, would be \$18,000,000 per year, and for 60 years the aggregate cost of this system would be \$1,080,000,000. One-half of the cost to the Government for 60 years would be \$540,000,000, and one-half of the cost to the employees for 60 years would be \$540,000,000.

I am referring to that at this particular time because under the scheme which was prepared by this committee when I had the honor to be the chairman of it, the total cost to the Government of that system for 60 years, which would be self-sustaining after it is fully and completely installed, would be \$172,351,800. The cost the first year, or the moment that this system is inaugurated, if my amendment were adopted, would be \$2,890,500. Under it the assessments can not be in any event in excess of 8 per cent, and the cost of the pension system in excess of 8 per cent for all employees, as contemplated, is to be borne by the Government. Under that system, which I shall explain a little more fully a little later on, the expense to the Government would increase for a period of 21 years, when, according to Dr. Herbert D. Brown, it would reach a peak, amounting for that year to \$6,207,600; and then it runs down lower and lower, until 60 years from the date of the inauguration of the system, when the cost to the Government would be \$100.

Mr. THOMAS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Colorado?

Mr. POMERENE. I yield to the Senator.

Mr. THOMAS. Does not the Senator think that as soon as the operation of the bill began to increase this burden upon the employees, the political pressure which they can exert would be utilized for the purpose of repealing so much of the law as requires them to pay one-half of this expense, putting the whole thing upon the Government?

Mr. POMERENE. There is not any doubt at all about it; and I am here to suggest that, in my belief, when the employees who receive these higher salaries say that they authorize anybody to speak for them in favor of this bill those same representatives will not appear for them in connection with any other legislation.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. POMERENE. I yield.

Mr. McKELLAR. The Senator from Colorado asked if amendments would not be offered putting the whole burden upon the Government in the future. Would not that be so in the case of the Senator's bill, if it were passed, or any other bill that might be passed? Might not amendments be offered in the same line? Why should that apply to one bill more than others?

Mr. POMERENE. Oh, anything can possibly happen; but I shall discuss that feature a little later on.

I want to call attention, and particularly the attention of the Senator from Tennessee, to the figures contained in this report. According to this estimate submitted by Dr. Maddrill, the two and a half per cent, as I said before, will amount during the first year to \$9,000,000, and the pensions during that year will amount to \$1,732,000, and it is estimated that that would leave an excess of \$6,900,000 in the Treasury, and that that would be a saving. But the Senator and his advisers overlook the fact

that his bill contemplates the retirement of something over 7,000 employees per year.

Mr. McKELLAR. About 7,500.

Mr. POMERENE. Now, these superannuated employees are divided into classes. Some of them are wholly inefficient; some of them may be 25 per cent efficient; some of them 50 per cent efficient. Now, if you are going to displace 7,500 employees, assuming for the sake of the argument that the average is 50 per cent inefficient, you must, to do their work, put on 3,750 new employees, and you have got to pay them, but this bill that is not going to cost the Government anything does not take that fact into account.

Mr. President, there is another proposition to which I want to call the attention of Senators. I assume that I do not need to argue with Senators the necessity of having a reserve fund in any scheme of insurance. The laws of all the States require it; common sense and common prudence suggest it, and business principles demand it; yet under this bill—I read from page 8, line 15:

The Secretary of the Treasury is hereby authorized and empowered to invest, from time to time, in interest-bearing securities of the United States such portions of the "civil-service retirement fund" hereby created as in his judgment may not be immediately required for the payment of annuities, refunds, and allowances as herein provided.

In other words, under this scheme the employees of the Government are paying each year into the Treasury 2½ per cent of their salaries, and it is not to be reinvested, except within the option of the Secretary of the Treasury himself. There is nothing mandatory about it. He is not required to invest the funds in any kind of securities. Those moneys can be used for other purposes. They are trust funds, and trust funds always ought to be kept in trust for the cestui que trust, and unless these funds are thus invested you will simply have the Government's promise to pay under this legislation. In other words, you have a claim with which you can go to the Court of Claims, and I am not going to take the time of the Senate to discuss the length of time and the inconvenience to which claimants will be put.

Mr. McKELLAR. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Tennessee?

Mr. POMERENE. Yes; I yield.

Mr. McKELLAR. Does the Senator think that any better disposition of the trust funds could be made than to put them in the charge of the Secretary of the Treasury, to be invested in bonds of the Government of the United States? Furthermore, the Senator failed to read all of the provision, and I shall do so now:

And the income derived from such investments shall constitute a part of said fund for the purpose of carrying out the provisions of section 11 of this act.

I think the Senator surely can not deny that that provision of the bill constitutes a proper trust fund and makes all proper safeguards.

Mr. POMERENE. I am afraid the Senator has failed to catch my point. My point is that under whatever system is adopted, whether it is the one in the Senator's bill, the one in my substitute, or in any other, it should be made mandatory upon those who are administering the bill to keep this reserve fund invested; and, in order to demonstrate to the Senate that I am not alone in this view of the question, I am going to send to the desk a letter which I received from Mr. George T. Keyes, secretary of the National Civil Service Reform League, and I ask that it may be read for the information of the Senate.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read the letter.

The Secretary read as follows:

NATIONAL CIVIL SERVICE REFORM LEAGUE,  
New York, November 12, 1918.

HON. ATLEE POMERENE,  
United States Senate, Washington, D. C.

DEAR SENATOR POMERENE: With regard to the McKellar retirement bill which, I understand, is unfinished business, will you be good enough to send me a copy of any bill which you may be planning to propose for a substitute measure?

I have just noticed a "joker" in the pending bill (S. 4637) for the retirement of employees in the classified civil service, which raises a new and grave objection to the present form of that bill.

The public and the employees have been led to believe by the debates and the apparent intent of the bill itself that the money withheld from the salaries of employees would be held at interest in each employee's name, in an inviolable retirement fund.

But actually, I have just discovered, the bill only provides for crediting to each employee the amounts of his contributions and the interest thereon. The actual money contributed is to be used by the Secretary of the Treasury to pay for the retirement of those already of retirement age. Only "such portions" of the contributions are held in reserve, in the name of the individual contributors, "as in his judgment may not immediately be required for the payment of annuities, refunds, and allowances." (Sec. 8, p. 8, line 18.)

Instead of accumulating a fund, therefore, the Government is accumulating a debt. For a few years the receipts will outbalance the payments, as the report on the bill (No. 574, p. 7) indicates. But after that, or beginning about 1930, there will no longer be any fund from which to pay the then rapidly amounting costs of retirement. It will be necessary for Congress to make annual appropriations to repay the amounts "borrowed" from the employees then to be retired with compound interest, and the amount of these repayments has not even been computed.

The proposed disbursement of reserves is exactly analogous to the systems of the now bankrupt insurance companies and fraternal organizations that failed to maintain their reserve funds intact. There is no escaping the certain nemesis that overtakes such schemes.

From the employees' point of view the scheme is perilous. The present Congress can not pledge future Congresses to the repayment of these amounts. Appropriations for that purpose may be delayed or even denied. All that the employee will have, instead of the "fund" he believes he is accumulating, is a "claim" against the Government. Anyone familiar with the endless procedure necessary to collect even the most just claim against the Government will readily agree that the position of the employees depending on a claim instead of a fund will be precarious.

The language of the bill is clear on this point once it is called to one's attention. But I am satisfied that neither the Members of Congress nor the public nor the employees have had their attention directed to it. Nobody who reads section 8 attentively can now doubt that the retirement fund proposed in S. 4637 is doomed to certain collapse within, at most, 15 years, unless Congress makes very large extra appropriations.

I hope you will have an opportunity to make the point clear to the Senate.

Sincerely, yours,

GEORGE T. KEYES,  
*Secretary.*

Mr. POMERENE. Mr. President, there is another feature of this bill to which I desire to call the attention of the Senate, and that is the experience that Great Britain has had with this same subject. I am not going to take the time of the Senate this afternoon to go into all the details of that history. I do not come freshly from it, and many of the facts have escaped my memory; but I do remember certain of the controversies that arose.

In the early part of the last century they adopted a straight pension bill; that is, a scheme which was sustained entirely by the public treasury. There were in Great Britain two classes of employees, as there are in this country—one, the classified service; the other, the unclassified service. Those who were in the classified service for a time felt that they were the favored class, that they were getting pensions or annuities from the Government after the required years of service. After a time, however, it developed that those who were in the unclassified service were receiving higher pay for the service rendered than those who were in the classified service, and a commission was appointed for the purpose of investigation. The commission discovered that those in the classified or the pensioned service were, in fact, receiving lower pay than the others for this reason: Every time the employees in the classified service made an appeal for an increase in their salary they were met with the cry, "Why, you are pensioned. The Government is paying for your pension. We respectfully decline to increase your wages." That objection can be made to at least the extent of 50 per cent in the case of this bill, because it is supposed to be one-half payable out of the Public Treasury.

Mr. President, I think the most intelligent student of this subject that I have come in contact with in the years that I have given to the subject is Mr. Herbert D. Brown, now at the head of the Bureau of Efficiency. I read from his testimony as quoted in the hearings before the committee on the United States Senate on Senate bill 3079 and Senate bill 5673, page 97:

The conclusions to be drawn from Great Britain's century of experience in pensioning its civil employees are very definite. That experience shows that pensions paid out of the public treasury as pure gratuities are certain to be taken into account in fixing salaries, and a pension system thus becomes, in effect, a contributory system. As soon as the employees realize that they are contributing to their own pension they at once demand that, on separation from the service for any cause whatever, the value of their contributions shall be returned to them in some form. It is in recognition of the reluctance of human nature to give something for nothing—shown first by the officers of the Government in taking a pension into account in fixing salaries, and next by the employees in their unwillingness to forfeit their contributions under any circumstances—that the pension system of England was modified by the act of September 20, 1909.

Mr. Brown continues, and on page 183 of the same report states:

The English pension system is, therefore, not a free and absolute system of gratuities at all, but a system of theoretical contributions from the employees' salaries, more or less adequate to pay the benefits given. Whatever it may have been in the beginning, that is what it has become through the policy—a policy sure to develop under a system of gratuities, human nature being what it is—of taking the pension into consideration in fixing salaries.

Mr. Brown, on page 186, says:

There must be a sharp differentiation between accrued liabilities and future liabilities. The contributions made by present employees should be held in reserve to pay future pensions, and not consumed in paying pensions for past services. The accrued liabilities must be paid by the State or the contributed fund will soon become insolvent.

And this, as I construe the action of the committee when I was chairman of it, was in part, at least, responsible for the adoption of the scheme which is proposed in the substitute measure.

Now, Senators, if I may take a little time to discuss the proposed amendment—and I shall make my statement as brief as I can, consistently with the importance of the measure—I may say that the basic principles of the bill were taken from a report made by a commission appointed by President Taft, known as the Efficiency Commission—I may not have the name of it accurately—and that was modified after some considerable study of it and consultation with students on the subject. The basic principle of that bill was to adopt a system whereby each man would be an insurer for himself, and not an insurer one for another. It must follow that in adopting any system we can not at first make it entirely self-sustaining, because if we were to take the older employees and make an assessment against them which would be sufficient to purchase an annuity of \$600 when they reached the retirement age, it would require, when they become 60 years of age, 89 per cent of their salary, assuming that the salary was the average salary. It was thought by the committee at that time if we could adopt any system whereby certain assessments would be made and kept in a separate account for each individual, and the assessments thus made put at interest at the rate of 4 per cent, compounding it annually, it would serve not only the purpose of insurance but the purpose of a savings bank as well. So in the first section of the proposed substitute bill we provide that there shall be an assessment made against the salary of each employee in the classified service which, computed to the nearest tenth of a dollar, will be sufficient, with interest thereon at 4 per cent per annum, compounded annually, "to purchase from the United States an annuity, payable quarterly throughout life, for every such employee on arrival at the age of retirement, as herein provided," that age being 70, but under no circumstances could this assessment be more than 8 per cent.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. POMERENE. I yield.

Mr. McKELLAR. Substantially speaking, the system provided in section 1 of the Senator's amendment is a compulsory requirement upon the employees to buy annuities. Is not that all that it amounts to?

Mr. POMERENE. Why, that part of it is compulsory; yes.

Mr. McKELLAR. In other words, they can buy their annuities now, and the Senator's bill would virtually, under certain regulations, compel the employees to do so. That is about the substance of it.

Mr. KING. Mr. President, will the Senator yield?

Mr. POMERENE. I yield.

Mr. KING. I should like to ask the Senator from Tennessee if the bill which bears his name is not also compulsory?

Mr. McKELLAR. It is compulsory, of course; but it is compulsory upon the agreement of the employees through their representatives.

Mr. POMERENE. Oh, so is the other, as far as that goes.

Mr. McKELLAR. I beg the Senator's pardon; the employees have never adopted this amendment.

Mr. KING. Mr. President—

Mr. POMERENE. I wish to say, in this connection, I do not propose to father legislation simply because the beneficiaries want that particular kind of legislation. Their wishes should be considered, but they should not be controlling.

Mr. KING. Will the Senator from Ohio pardon me?

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Utah?

Mr. POMERENE. Yes.

Mr. KING. As I interpret the bill offered by the Senator from Tennessee, it is compulsory in this sense: It compels the Government of the United States to pay 50 per cent of the annual assessment and it compels the employees to pay 50 per cent.

Mr. McKELLAR. That is exactly right.

Mr. KING. So it is compulsory, in morals at least, to the same extent as the bill offered by the Senator from Ohio. In one instance the employee pays it all; in the other he is compelled to pay half of it.

Mr. McKELLAR. If the Senator will pardon me a moment, if he will look at the provision in the bill and the substitute he will find that the compulsory feature applies precisely the same.

Mr. POMERENE. No. Let me call the attention of the Senator from Utah to the further fact that in the proposed substitute, if it becomes a law, the employee is only compelled to provide for his own insurance. In the bill of the Senator



from Tennessee the employees of the younger class and those drawing the higher salaries are compelled not only to pay their own insurance but to pay a part of the insurance of their fellow employees.

Let me suggest further, in addition to what I said a moment ago, I realize the necessity for this legislation, and I know that two years ago the bill which was then proposed and adopted was pretty generally satisfactory.

Mr. FLETCHER. Mr. President—

Mr. POMERENE. I yield to the Senator from Florida.

Mr. FLETCHER. I ask the Senator what the cost would be to the employees under each plan.

Mr. POMERENE. I will come to that. I discussed that in part while the Senator was out.

Mr. FLETCHER. Would the same amount of benefits accrue to them?

Mr. POMERENE. In general I can answer in this way: It is not quite the same, because the bill proposed by the committee divides them into four classes—A, B, C, and D. In that respect it differs somewhat, but generally speaking in view of the fifty-fifty plan adopted the cost of the McKellar bill to the Government will be twice what the cost of the Pomerene bill will be to the Government, if I may so call it. More than that, after it is installed completely then the cost of the McKellar bill continues, whereas the cost of the substitute bill will be nil to the Government.

Mr. FLETCHER. And the percentage of cost to the employees?

Mr. POMERENE. I have referred to that.

Mr. McKELLAR. If the Senator will pardon me a moment—

Mr. POMERENE. Just one moment. I am asked a question, and I want to answer it as nearly as I can. Senators who will go into this subject will discover that these expenditures have not been figured with entirely actuarial accuracy. There are a good many elements which enter into the question. One of them will be the amount of the salary; another will be the age; a third will depend upon the mortality tables which are adopted from time to time, and so forth. There are a number of elements which will make it almost impossible to determine the amount with precision. That is particularly true of the bill which is offered by the committee, because there the employees are divided into four classes, and necessarily the statistics which might be true as to one class would not be true as to the others. The cost of the substitute bill, based upon average salaries, the Senator will find was given by Mr. Herbert D. Brown and is contained on page 2 of the report which was submitted to the Senate February 13, 1917, on the bill then favorably reported.

Mr. McKELLAR. If the Senator will yield to me for a moment—

Mr. POMERENE. Yes; I yield.

Mr. McKELLAR. I think the question the Senator from Florida asked can be well answered by referring to the last proviso in the first section of the substitute, which is as follows:

*Provided, however, That the deductions made from the salary, pay, or compensation of persons hereafter entering the service shall not exceed 8 per cent thereof.*

I think that answers the question of the Senator from Florida.

Mr. POMERENE. Mr. President, that is the maximum assessment on the average salary, and if he was getting twice the average salary, of course, the assessment would be cut in two. I can simply give a very general statement in that behalf. If the salaries amount to \$3,000 or \$4,000, it would not be more, probably, than one-third or one-half of the 3 per cent, which is the estimated assessment for those who are 20 years of age.

Mr. President, I want to go on now with the explanation of the so-called substitute bill. It provides that all of these assessments shall be kept in the Treasury and they must be invested in securities, in bonds of the United States, farm-loan bonds, State bonds, municipal bonds, or county bonds which will meet the approval of the administering board. In other words, we provide specifically for a reserve fund out of which all the withdrawals are to be paid.

I want Senators to bear this fact in mind, too, that under the substitute bill a separate account is kept with each individual. If he withdraws at any time before he becomes 60 years of age, then all his assessments plus accumulations with 4 per cent compound interest must be refunded to him. If he dies meanwhile, then all these assessments plus accumulations must be paid to his estate. During the period between 60 and 70 years the committee at that time thought it would be wise to require the annuity which his accumulated assessments and their earnings would buy to be paid in annual installments so

long as he should live, and then in any event, if he should die before he received annuities equal to the amount of his assessment plus the accumulations; that money shall all be refunded to his estate. Our thought was at that time that this method was in the nature of a compulsory savings account, each one dependent upon himself, no one insuring for the other.

Mr. FLETCHER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Florida?

Mr. POMERENE. I do.

Mr. FLETCHER. That looks very much like a regular insurance plan, with this exception: Ordinarily an insurance company would require certain premiums to be paid, and the party taking out the insurance would be subject to a physical examination. Here you are insuring everybody, the old, the decrepit, the ill, the maimed, the halt, and those who are afflicted otherwise. You are taking in everybody. Each man will carry his own insurance. If he dies he gets back all he paid with the accumulations, and if he retires he gets back all he paid in with the accumulations. I do not see how you can maintain the system in that way.

Mr. McKELLAR. If the Senator will pardon me—

Mr. POMERENE. Pardon me a minute. I can answer only one at a time. If the suggestion which the Senator from Florida makes has any application at all it applies to both schemes. The question of the man's health does not enter into it at all. So long as he is an employee, so long as he is serving and receiving a salary these deductions are made. If by reason of poor health he should retire or if he should unfortunately die before he reaches the retirement age all the assessments and the accumulations are refunded. In that respect it differs very materially from the insurance problem.

Now, let me go briefly to the question of the cost of this system. Let me say that at the time the substitute bill was being prepared and we were having our hearings it was suggested that the Bureau of Efficiency should try to get entirely accurate returns showing the number of employees in the several departments, the age of the employees, their salaries, and so forth. It did not seem that it was possible to get complete returns, and at the time I severed my connection with the committee Mr. Brown, who had this matter in charge, was not able to get complete returns. So I take it all the figures which we may give here must be subject to certain modifications; but I think they may be regarded as reasonably accurate.

At the time the report was prepared it was believed that there were 5,000 officers and employees who were 70 years of age or over. The report of the Senator from Tennessee shows the number now to be about 7,500. But there is this difference between the two bills: Dr. Brown's estimate of the number of employees was based upon a retiring age of 70. That of the pending bill is based upon a retiring age of 65 and 68.

Mr. McKELLAR. Depending upon the class.

Mr. POMERENE. Yes. Now, with the 5,000 officers and employees over 70 years of age it was estimated that their average salary would amount to about \$1,160, making the total salaries \$5,800,000. Assuming the average pay to be \$1,160, then the average annuity payable to them would be \$550 per year, making the total annuity \$2,750,000. It was thought at the time that it would be best for the first year to make the annuities payable out of the appropriations which had been made for salary account of these employees, and then under the plan which we adopted it was thought that the annuities would amount to a total sum of \$2,750,000 the first year. We could then return 10 per cent of the \$5,800,000 thus appropriated for salary account into the Treasury, amounting to \$580,000, and that would still leave \$2,470,000 in the salary account which could be used for the purpose of employing new clerks to take the place of those who had become superannuated. That would employ 2,500 men and women—that is, new beginners—at salaries of \$900 to \$1,000 each.

As I stated awhile ago, the total cost of this system to the Government until it should become completely self-sustaining, namely, 60 years hence, would be \$172,042,000.

Mr. KING. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Utah?

Mr. POMERENE. I do.

Mr. KING. That would be based upon the salaries now paid to the employees who would come under the classified service, would it not, so that there would not be an increase in the salaries or compensation paid? There would be necessarily an increase in the amount to be paid ultimately?

Mr. POMERENE. I think the Senator overlooks the fact that there is a limitation upon the amount of annuity to \$600 per

year, except that it shall in no event exceed 50 per cent of the salary.

Mr. KING. I had that in mind.

Mr. McKELLAR. They are all in one class.

Mr. POMERENE. There is only one class.

Mr. McKELLAR. That is, in the Senator's bill.

Mr. KING. I did not overlook that. I had in mind that limitation, but anticipated that with the demand that is being made now very vociferously by employees of the Government for an increase in compensation there would likewise be an emendation of that bill, if it should become a law, so as to increase the amount of the annuity which shall be paid.

Mr. POMERENE. That, of course, is possible, but I may say that I have been in sympathy with the demand for increased pay for the employees of the Government not only during the last two years, but there should have been a readjustment of all the salaries in my judgment. Some of the employees are underpaid, some of them have been overpaid, and I think the Congress of the United States could very well afford to investigate this subject and enact some law readjusting all salaries.

Now, as bearing upon the proposed substitute, I want to send to the desk to be read a carbon copy of a letter which was sent to me under date of February 10, 1917, from Dr. Herbert D. Brown, Chief of the Bureau of Efficiency. It gives a statement as to the cost of the proposed plan in the substitute amendment.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

FEBRUARY 10, 1917.

HON. ATLEE POMERENE,  
Chairman Committee on Civil Service and Retrenchment,  
United States Senate.

DEAR SENATOR POMERENE: In response to your request, I submit the following statement regarding the approximate cost to the Government of the retirement plan for the competitive classified civil service contained in Senate bill 3079 as amended by your committee to-day:

Stated briefly, your bill provides that employees in the competitive classified service shall be retired at age 70 on annuities equal to half pay, with a maximum of \$600. The annuities of employees now eligible for retirement must be paid wholly by the Government. Employees not yet eligible for retirement are required to set aside each month such an amount of money as may be necessary, with interest at 4 per cent compounded annually, to provide their own annuities at age 70, except that no employee shall be required to contribute more than 8 per cent of his salary. Since many of the employees are now at ages at which 8 per cent of their salaries with interest will not provide the full amount of their annuities it will also be necessary for the Government to provide the difference between the amount of their contributions and the total cost of their annuities.

According to the last annual report of the Civil Service Commission, there were on June 30, 1916, 296,926 employees in the competitive classified civil service. Of these, approximately 47,000 are fourth-class postmasters, who are not eligible for retirement under your bill. This leaves approximately 250,000 persons who are included. Of this number, about 47,000 are clerks and miscellaneous employees in post offices, about 34,500 are city carriers, about 43,500 are rural carriers, and about 22,000 are railway postal clerks, or a total of about 147,000 postal employees, leaving about 103,000 employees outside of the Postal Service.

As no statistics were available concerning the salaries and length of service of the employees at the various ages on which to base an estimate of the cost of retiring the employees, you procured on May 17, 1916, the passage of a Senate resolution directing the Bureau of Efficiency to collect statistics on which to base such an estimate. The bureau accordingly requested the various departments and independent establishments to supply the necessary information on forms prepared for the purpose. As most of this information had to be collected from post offices and other offices scattered throughout the country, the returns were slow in coming in and are not yet complete. Up to January 15, 1917, returns covering 203,141 employees in the service of the Government, including unclassified employees, had been received.

In order to use these incomplete returns it was necessary to assume that the returns received for the various classes of employees were representative, and to prorate them up to known totals. For example, 26,703 returns for city letter carriers were received out of a total of about 34,500. The number of carriers of each age, salary, and length of service, as shown by the tabulation of the returns received, was therefore prorated up by a factor which brought the total number for all ages up to 34,500.

The tabulation of these returns, prorated up to the total number of employees known to be in the competitive classified service, showed that there are now about 5,000 employees who are 70 years of age or over, and that their total annuities the first year would amount to about \$2,750,000 if all retired at once. This cost would steadily increase for about 25 years, when the annual cost to the Government would be between \$6,000,000 and \$7,000,000. After that time the cost to the Government would steadily decrease until, at the end of about 50 years, it would cease with the death of the last employee who received Government aid.

This annual cost for the annuities which the deductions from the employees' salaries will not provide is by no means altogether an added expense to the Government. Many of the aged employees are receiving salaries that they do not wholly earn. Under the terms of the bill each employee's annuity is to be paid the first year out of the salary he is receiving at the time of retirement; 10 per cent of that salary is to be covered into the Treasury; and the balance is to be used, with other similar balances, to employ young clerks in the lower grades. If one active young clerk can do the work of two superannuated clerks, then the saving in salary will be sufficient to pay the annuities until such time as the superannuated clerks would have resigned, if not retired. If all of the 5,000 employees who are 70 years of age or over should retire at once, the 10 per cent of their salaries which would be covered into the Treasury would amount the first year to about \$580,000.

Unless Congress makes appropriations for a larger number of efficient clerks than the departments now have, a considerable part of this saving should continue from year to year.

I trust it may not be out of place for me to add a word in regard to the experience of the Bureau of Efficiency in its efforts to introduce improved methods of handling the Government's business. The most serious difficulty that the bureau has encountered in introducing better business methods into the departments has been the inactivity of the aged employees to learn new ways of doing their work. If this difficulty is removed by the retirement of these aged employees, we believe that new methods can be introduced far more rapidly and much greater savings can be accomplished than will be possible under present conditions.

Very respectfully,

HERBERT D. BROWN,  
Chief Bureau of Efficiency.

Mr. POMERENE. Mr. President, I may say I had hoped to have a more detailed review of this pending legislation from Dr. Brown, but because of many other official engagements he was not able to give it the time he had hoped to give to it, and was for some days called out of the city. But I have from him a letter bearing date November 12, 1918, in which in a very general way he reviews the principal provisions of the pending bill and the substitute therefor, and in order that Senators may have the benefit of his views I send this letter to the desk and ask to have it read.

The PRESIDING OFFICER (Mr. KIRBY in the chair). The Secretary will read as requested.

The Secretary read as follows:

UNITED STATES BUREAU OF EFFICIENCY,  
Washington, November 12, 1918.

HON. ATLEE POMERENE,  
United States Senate, Washington, D. C.

DEAR SENATOR POMERENE: You asked me this morning for a statement concerning the relative cost of Senate bill 633 introduced by you in 1917 and Senate bill 4637 introduced by Senator McKELLAR some days ago. These bills provide for the retirement of the civil employees of the Government.

I will not undertake in this letter to go into the details of the plans, but will try to answer your question in general terms, and for the purpose of this answer will assume that the benefits paid under the two bills are equal. The benefits paid under the two bills are not exactly equal, but for the purpose of comparison it is fair to assume that they are. The principal difference between the two bills is this: Your bill is intended to be self-supporting after the employees now in the service have passed away—that is to say, the deductions from salaries with interest are intended to be sufficient to pay for the annuities of new entrants. Senator McKELLAR's bill is intended to be a so-called "50-50" plan. If the benefits under it are the same as yours the cost of it the first year will be the same as yours, but with each succeeding year the cost to the Government will be greater than yours, until finally, after 30 or 40 years, his bill will impose a burden on the Government equal to half of the annual payments or annuities, whereas your bill at that time will impose no burden whatever on the Government.

You also ask whether the plan provided for by Senator McKELLAR's bill will be self-supporting during the first years of its operation if enacted into law—that is to say, will it require any aid from the Federal Government during those years? My answer to your question is that it will not require any aid from the Government during the first years. Neither will your plan. The deductions in both cases are more than sufficient to pay the annuities during the first few years, because the number of eligibles will be few at first. But as the number reaching retirement age will increase at about the same rate that the service has increased during the past 30 or 40 years, it is obvious that in a short time the income will be inadequate to cover the entire cost of the plan. As stated before, the two plans may be considered equal in point of cost in the beginning, but with each succeeding year Senator McKELLAR's bill will cost more than yours, until finally at the end of 30 or 40 years your bill will be self-supporting, while his will require contribution from the Government equal to half its cost.

Strictly speaking, it is inaccurate to say that the plan under either bill would be self-supporting in the beginning. Your plan will be self-supporting ultimately, but Senator McKELLAR's never will be. Under both your bill and Senator McKELLAR's the deductions from the pay of the employee remain the property of the employee, and are returned to him in some form whenever he leaves the service. But if those deductions are taken in the first years to pay other employees than those to whom they belong, the plan is obviously not self-supporting even in the beginning, for the deductions will ultimately have to be returned with interest to the original contributors.

The Government, of course, can borrow the employees' contribution. Until the annual payments exceed the contributions no appropriation will be necessary, but at best the moneys obtained by the Government in that way can only be considered as a loan. After a few years payments to pensioners will exceed the contributions by the employees, and when that time is reached it will be necessary to make appropriations from the Treasury to meet the deficit. That time, of course, will be reached at an earlier date under Senator McKELLAR's bill than under yours, and the appropriation required from year to year will steadily increase as compared with yours until, as I stated before, in 30 or 40 years his will require a continuous and increasing appropriation from the Government, whereas yours will by that time be self-supporting.

Very respectfully,

HERBERT D. BROWN,  
Chief Bureau of Efficiency.

Mr. POMERENE. Mr. President, as shedding some light upon the letter which has just been read, I have before me a statement showing the cost of the substitute bill which I intend to offer for a period of 60 years. This statement was prepared by Dr. Brown at or about the time that the committee reported to the Senate the so-called substitute bill about two years ago, and, without reading it, I ask that it be incorporated in the Record for the information of Senators.

The PRESIDING OFFICER. Without objection, that order will be made.



The statement referred to is as follows:

| Year.   | Cost of pension. | Total.      |
|---------|------------------|-------------|
| 0.....  | \$2,890,500      |             |
| 1.....  | 3,115,200        | \$6,005,700 |
| 2.....  | 3,328,800        |             |
| 3.....  | 3,485,900        |             |
| 4.....  | 3,649,200        |             |
| 5.....  | 3,766,000        |             |
| 6.....  | 3,910,000        | 24,145,600  |
| 7.....  | 4,073,600        |             |
| 8.....  | 4,279,100        |             |
| 9.....  | 4,444,200        |             |
| 10..... | 4,710,800        |             |
| 11..... | 4,946,200        | 46,599,500  |
| 12..... | 5,214,900        |             |
| 13..... | 5,451,200        |             |
| 14..... | 5,681,000        |             |
| 15..... | 5,840,400        |             |
| 16..... | 5,973,800        | 74,761,400  |
| 17..... | 6,043,900        |             |
| 18..... | 6,078,000        |             |
| 19..... | 6,143,100        |             |
| 20..... | 6,202,300        |             |
| 21..... | 6,207,600        | 105,436,300 |
| 22..... | 6,197,100        |             |
| 23..... | 6,127,700        |             |
| 24..... | 5,990,800        |             |
| 25..... | 5,735,200        |             |
| 26..... | 5,471,300        | 134,958,400 |
| 27..... | 5,104,500        |             |
| 28..... | 4,691,900        |             |
| 29..... | 4,241,200        |             |
| 30..... | 3,775,100        |             |
| 31..... | 3,301,400        | 156,072,500 |
| 32..... | 2,855,400        |             |
| 33..... | 2,447,300        |             |
| 34..... | 2,079,300        |             |
| 35..... | 1,750,200        |             |
| 36..... | 1,458,700        | 166,663,400 |
| 37..... | 1,202,900        |             |
| 38..... | 980,900          |             |
| 39..... | 790,300          |             |
| 40..... | 628,700          |             |
| 41..... | 493,200          | 170,759,400 |
| 42..... | 381,400          |             |
| 43..... | 338,800          |             |
| 44..... | 255,400          |             |
| 45..... | 189,200          |             |
| 46..... | 137,400          | 172,061,600 |
| 47..... | 97,700           |             |
| 48..... | 67,900           |             |
| 49..... | 46,100           |             |
| 50..... | 30,400           |             |
| 51..... | 19,500           | 172,323,100 |
| 52..... | 12,200           |             |
| 53..... | 7,300            |             |
| 54..... | 4,300            |             |
| 55..... | 2,400            |             |
| 56..... | 1,300            | 172,353,700 |
| 57..... | 000              |             |
| 58..... | 300              |             |
| 59..... | 100              |             |
| 60..... | 100              | 172,351,800 |
| 61..... |                  |             |
| 62..... |                  |             |

Cost of all pensions, \$172,351,800.

Mr. CUMMINS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Iowa?

Mr. POMERENE. I yield.

Mr. CUMMINS. Before we adjourn to-day, I want to ask the Senator from Ohio a question, and if he is unable to answer it I want to refer it to the Senator from Tennessee. The question is purely for information or for interpretation of the bill now before the Senate.

I have given a good deal of study to this subject. I was formerly chairman of the committee of which the Senator from Ohio afterwards became chairman, only to be succeeded by the Senator from Tennessee. I had the honor of introducing a bill, which was reported favorably by the committee, which is essentially like the bill reported by the Senator from Ohio, differing only in what I regard as unimportant details. I gave a good deal of investigation to the subject then, but I have not—and it is my own fault entirely—become so familiar with the bill which is being brought forward now by the Senator from Tennessee.

It seems to be assumed in the debate that I have heard that the contributions to be made by the employees in the classified civil service begin with their introduction to the service. I am entirely unable to find any warrant for that assumption in the so-called McKellar bill, and I should like to know when these contributions which are to be made by the employees are to begin.

Mr. POMERENE. If the Senator is speaking—

Mr. CUMMINS. If the Senator from Ohio will allow me, I will make my question complete. The bill in its first section does not define in any way to whom it is to be applicable. In

the second section there is provided a series of payments to be made by the United States to four classes of employees. I need not mention the classes A, B, and C, because they are the older employees, but as to class D, which is the last one, the bill provides:

Class D shall include all employees to whom this act applies who shall have served the United States for a total period of 15 years or more, but less than 20 years.

No payments are to be made, I assume, to any employee unless he or she has served the Government at least 15 years.

I turn to section 8 and I find that it provides for reserving from the basic salary or pay or compensation—now I quote—of each person to whom this act applies a sum equal to 2½ per cent of such person's basic salary, pay, or compensation.

If I were called upon to construe or interpret the bill with the light I now have, I would be compelled to hold that it applied only to the four classes which are enumerated in the second section, and that there was no obligation on the part of any employee to begin his contribution to the fund until he had been in the employ of the Government at least 15 years. If that be the interpretation of the bill the amount required from the General Treasury of the United States in order to make the payments that are provided for would be very largely increased, as is evident, for the actuarial computation with which we are provided and which is intended to give us information with regard to the cost to the Government does not proceed upon any such basis. I may be wholly wrong about this interpretation. If I am, I should like either the Senator from Ohio or the Senator from Tennessee to set me right.

Mr. POMERENE. Mr. President, as the question of the Senator from Iowa is a very pertinent one, and as it relates to the pending bill, I will yield to the Senator from Tennessee to answer it.

Mr. McKELLAR. Mr. President, in answer to the question of the Senator from Iowa, I will say that it is the purpose of the bill to apply to all employees of the classified civil service; and there is an addition found in section 4 of the bill in the following language:

Sec. 4. That the provisions of this act shall include employees of the Library of Congress and the Botanic Gardens, excepting such persons as may be appointed by the President and confirmed by the Senate, and may be extended by Executive order, upon recommendation of the Civil Service Commission, to include any employee or group of employees in the civil service of the United States not classified at the time of the passage of this act. The President shall have power, in his discretion, to exclude from the operation of this act or include therein any employee or group of employees whose tenure of office is intermittent or of uncertain duration.

The question of the Senator from Iowa, as I understand, is whether the bill applies only to those employees who have been in the service for 15 years or whether it applies to all members of the classified service?

Mr. CUMMINS. My question is, When does the obligation of the employee to contribute a portion of his compensation begin, or, to state it more accurately, when does the right of the Secretary of the Treasury or any one of the various departments of the Government to withhold salaries begin?

Mr. McKELLAR. It begins on the first day of the second month after the month in which this act is approved, that there shall be deducted and withheld from the basic salary—

Mr. CUMMINS. I see nothing whatever in the bill that will permit that construction.

Mr. McKELLAR. If there is not, if the Senator from Iowa will suggest an amendment that will so provide, I shall be very glad; or if he will not suggest it, I shall be very glad to do it. I think that does sufficiently appear from section 4; but if there is any doubt about it, I shall be very glad to clear up that doubt.

Mr. CUMMINS. Section 4 does not remove the doubt, because that is intended simply to bring certain employees within its scope who might not be generally considered to be classified civil-service employees.

Mr. McKELLAR. Would it meet the Senator's objection to strike out, in line 18, on page 7, the words "of each person to whom this act applies" and to substitute therefor "each person in the classified civil service"? I should be very glad to accept that amendment if the Senator will offer it.

Mr. CUMMINS. I merely rose to suggest what seemed to me, from the standpoint of the author of the bill, to be a defect.

Mr. McKELLAR. I am rather inclined to think the Senator from Iowa is entirely correct about it.

Mr. CUMMINS. I do not want to undertake the task of amending the bill, because, as the Senator from Tennessee knows, I am in favor of the contributory plan, the plan which is in effect a compulsory saving fund, supplemented by a provision which would enable us to put the plan into execution; that is, an appropriation by the Government for such sums as may be

required to retire the aged employees who are now so old and who have been so long in the service that they can not build up for themselves a fund which will be required to support them after retirement; but I think that whatever bill is passed ought to be as perfect as possible.

Mr. McKELLAR. I thank the Senator for calling the matter to my attention, and I ask unanimous consent, Mr. President, to strike out, in line 18, on page 7, the words "of each person to whom this act applies" and to substitute therefor the words "of each person in the classified civil service."

Mr. POMERENE. Mr. President, before that is done—I do not know that I have any objection to it—it seems to me there is an amendment pending.

Mr. McKELLAR. I was merely asking unanimous consent, and I hope the Senator will not object.

Mr. POMERENE. Very well; I have no objection.

Mr. McKELLAR. I wish to thank the Senator from Iowa for calling my attention to what seems to be a very patent error in the bill.

The PRESIDING OFFICER (Mr. POLLOCK in the chair). Will the Senator please restate his amendment?

Mr. McKELLAR. On page 7, line 18, strike out the words "to whom this act applies" and insert "in the classified civil service."

The PRESIDING OFFICER. The Secretary will state the proposed amendment.

The SECRETARY. On page 7, line 18, it is proposed to strike out the words "to whom this act applies" and to insert in lieu thereof the words "in the classified civil service."

The PRESIDING OFFICER. The question is on the adoption of the amendment proposed by the Senator from Tennessee.

Mr. THOMAS. Mr. President, it seems to me that the amendment is too broad, because there are a great many employees in the classified civil service who are not within the scope of the bill. For instance, fourth-class postmasters are all in the classified civil service.

Mr. POMERENE. And, Mr. President, if the Senator from Tennessee will allow me also to make a suggestion in that connection, I am not advised myself, but the Senator seems in the preparation of this bill to have given special attention in section 4 to employees of the Library of Congress and the Botanic Garden, as if they were not generally understood to be in the classified service.

Mr. McKELLAR. There may be some confusion about that, and I ask to modify my amendment so as to read "in the classified civil service, subject to the exceptions made by this bill." Will that be satisfactory?

Mr. CUMMINS. I suggest to the Senator from Tennessee that the amendment ought to be in section 8, and it ought to make it perfectly clear that the reservation of salary shall begin with the introduction of the employee into the classified service.

Mr. McKELLAR. Will the Senator suggest the words he thinks will accomplish that purpose? If he will do so, I will be delighted to accept the amendment.

Mr. CUMMINS. I do not wish to interrupt the Senator from Ohio in his address.

Mr. McKELLAR. The Senator from Ohio has finished, as I understand.

Mr. POMERENE. Not quite; but I have no objection to the amendment being made.

Mr. McKELLAR. If the Senator from Ohio desires to proceed, I will have an amendment ready to meet the objections set forth by the Senator from Ohio and the Senator from Colorado in just a moment while the Senator from Ohio proceeds with his argument.

Mr. POMERENE. Mr. President, I had about concluded; but lest I may be misunderstood, I want to make it perfectly clear that what I have said this afternoon is not to be construed as being in opposition to a retirement plan. I am most earnestly in favor of it. I think we ought to adopt some plan of retirement, not only from a humanitarian standpoint as it relates to the employee himself, but from the standpoint of administrative efficiency. I do not believe that Senators comprehend the condition that exists in some of the departments. There are men and women in the departments who ought not to be there, because they have reached a point of superannuation where they ought to be cared for in some way, no matter whether their present condition is due to their own fault or to some other cause.

More than that, I can understand, as Senators can generally, when there is some young man or young woman in one of the departments, the very embodiment of efficiency and intelligence, working along at a modest salary, eager to improve and to advance, who finds just ahead of him or her on the pay roll some

elderly persons who perhaps are not doing one-half of the work that the younger ones are doing and yet are receiving higher salaries, there is enough of human nature in all of the employees to rebel against that condition. It destroys the morale of the department.

I think that we have progressed so far in this country as to warrant the belief that those who have studied the question sincerely feel that there ought to be some reasonable plan of retirement adopted. I am anxious that the plan adopted shall be a satisfactory plan to the public and reasonably satisfactory to the employee, but I am at the same time morally certain that when the employees of this Government understand the plan that is proposed in the pending bill, which was presented by the committee and known as the McKellar bill—when they understand that many of the young, thrifty, energetic, intelligent employees will pay the cost of the annuities which their fellow employees will receive—they will be disposed to rebel, and they will have reason to complain.

Mr. KING. Mr. President, before the Senator concludes I should like to ask him a question or two.

Mr. POMERENE. I yield to the Senator.

Mr. KING. Does the Senator think, in view of the immense and stupendous work lying before Congress in connection with preparing for demobilization, the work of reconstruction, and all of the post-war matters that will call for solution, that it is an opportune time now to take up this question? Furthermore, is it opportune to take it up in view of the fact that there is a claim made by many that the Government will take over the railroads, the telegraphs, the telephones, the power plants, the packing plants, the copper works, and the coal mines of the country and operate them as governmental instrumentalities and agencies, in which event all of those persons so employed would pass over into the classified service, so that we would have upon the classified service roll not 1,000,000 but 3,000,000, 4,000,000, 5,000,000, 6,000,000, possible 10,000,000 employees? In view of the fact that those questions are going to be presented to Congress for consideration, does the Senator think that it is opportune now to take up this question?

Mr. POMERENE. Well, Mr. President, I think I am conscious of the difficulties which are suggested by the Senator from Utah, but I do not regard them as insurmountable. We are always going to have new questions coming up. We have not reached Government ownership of railroads yet. We do know that a serious condition prevails in some of the departments. I realize very fully that there are many, many employees here who may be classed as war employees, most of whom have been placed in the classified service; and while on the face of things it seems that they have received reasonable salaries, yet at the same time they have been the victims of landlords and hotels and restaurants to such an extent that they have not been able to save much out of their salaries. Many of them will be separated from the service very soon; many of them have already been discharged. I do not believe that we ought to wait until there is a complete readjustment of all these difficult problems. That would be simply postponing the day. I should like to see some legislation upon this subject at this session if it is at all possible.

Mr. McKELLAR. Mr. President, I will detain the Senate only five or six minutes to answer one or two of the propositions that have been so ably put forth by the distinguished Senator from Ohio [Mr. POMERENE].

I am delighted to know that the Senator from Ohio does not oppose civil service retirement legislation. That is not his position at all. His position is that he does not approve of the bill which has been reported by the committee and which embodies what is commonly known as the half-and-half plan, but does approve a bill that was reported out previously by the committee, although not acted upon by the Senate, under the terms of which the entire cost, or substantially the entire cost, of the bill would be paid by the employees, being, as I looked at it, a compulsory annuity plan of saving by the classified civil-service employees. I think the bill which has been reported by the committee and which is pending before the Senate and has been pending for some time should commend itself to every fair-minded person.

The Senator from Ohio objects to the amount of 2½ per cent being rather ruthlessly taken away from the employees whether the employees want it taken away or not. My answer to that is that under the terms of his bill it is an amount not exceeding 8 per cent that is ruthlessly taken away from the employees in the same way; and that is one of the reasons why, I imagine, some of the employees do not favor the plan put forward by the Senator from Ohio. It is that in the present bill 2½ per cent is taken away from the employees, and under the plan of the Senator from Ohio not exceeding 8 per cent might be taken



away. It seems to me that that is a plan that ought not to be adopted by the Senate.

I want to call the attention of the Senate to another proposition. The Senator says this plan is unfair to the Government and unfair to the employees. Now, let us see whether it is or not. The only complaint about the plan put forward by the committee being unfair to the employees is that some of the higher-salaried employees—those who get, say, \$2,000 or \$2,500 or \$3,000—pay a little more in proportion than those who get the smaller salaries. Very well; they are not complaining of it. I take it that there is not a man getting over \$2,000 who is complaining of the 2½ per cent that will be taken from his salary. I have not heard of it. No one has complained to me.

Mr. POMERENE. Mr. President, may I ask the Senator whether he has personal knowledge that that feature of the bill has been explained to the employees?

Mr. McKELLAR. It has not only been explained, but it has been carefully gone over with them. Men like Dr. Jordan, Dr. Beach, and other gentlemen connected with this plan that has been put forward here have understood it and have explained it to all of the employees, so far as I know, and the representatives of all, and they make no objection to it. It is true that it does bear a little bit harder on those, but under our principle of legislation we usually make the tax a little larger on those who are able to bear it, and it ought to be done. I do not believe any of them have complained, and the first complaint I have heard along that line has been the complaint of the Senator from Ohio.

I do not think we ought to seriously consider a complaint of that kind. If we are going to indulge in any partiality at all—and no plan can be absolutely perfect—I think we should let it be on the side of those who get the smallest salary. I think it is nothing but fair and right that that should be done.

But the Senator says that the committee's plan is unfair to the Government. Let us see whether it is unfair to the Government. The Government contributes 2½ per cent of this amount—one-half of it. What does the Government get in return for that contribution? According to the figures as they have been given by the Government's own agents, it has been shown by the proof in these hearings that there are 4,000 superannuated employees of the Government to-day who are absolutely doing no work, and are incapable physically or mentally of doing any work. The average salary of those employees is about \$1,500; so that, if the Senator pleases, we are pensioning those 4,000 superannuated employees at the rate of \$1,500 apiece, amounting to about \$6,000,000.

Mr. KING rose.

Mr. McKELLAR. Just one moment, and I will yield to the Senator with pleasure. There are 3,500 of them, according to this plan, that are doing about half the amount of work that they ought to do, and that will amount to between two and three million dollars more of saving to the Government. What it costs the Government, according to the figures made by the Government expert, is about \$9,000,000. What the Government gets back is something between eight and nine million dollars. By the way, the cost to the Government of \$9,000,000 is only when the system gets into full working order. For many years it will not cost the Government a cent, according to these figures, but when it gets into full working order it will cost the Government \$9,000,000 on the present basis. The Government, however, will be receiving back in saving, because of work actually done instead of work not done at all now, somewhere between eight and nine million dollars, so that the amount it will actually cost the Government is a mere pittance.

I beg the pardon of the Senator from Utah, and I now yield to him.

Mr. KING. I think the Senator has answered the point I had in mind.

Mr. McKELLAR. I am glad to have had the pleasure of doing so.

Mr. FLETCHER. Mr. President, may I ask the Senator if under his bill the employee is obliged to retire at a certain age?

Mr. McKELLAR. That does not occur until so many years after the bill has been in operation. At first they have an election to retire or not, for a certain number of years, which is mentioned in the bill.

Mr. FLETCHER. Of course, you will not get rid of these inefficient employees unless they are obliged to retire?

Mr. McKELLAR. Oh, yes; they are going to compel them to retire.

Now, just one or two other things.

I was glad to hear the Senator from Ohio say that he is in favor of retirement legislation. When we consider the fact that there are but two civilized Governments on the face of the earth that do not give their superannuated employees a retire-

ment pension, it certainly seems that it is a subject worthy of our consideration. Those Governments are the Government of the United States and the Government of Turkey, if there is a Government of Turkey to-day, but as it was under the Sultan. The United States Government, the foremost Government in all the world, and Turkey, the hindmost Government perhaps of all of the world, are the only ones that fail to retire their superannuated employees. Practically every vigorous, prosperous corporation in this country provides for retirement, and very nearly all of them pay the entire cost of it.

Mr. VARDAMAN. Mr. President—

Mr. McKELLAR. I yield to the Senator.

Mr. VARDAMAN. May I ask the Senator if a great many of the Governments that retire their superannuated employees have not an old-age pension law?

Mr. McKELLAR. Some of them have, but a great many of them have not. I will say to the Senator that a great many of those Governments simply have a plan of retiring their superannuated employees at certain ages, and therefore the Government pays that annuity. It is small; it is not large, but in proportion it is about what is provided for in this bill.

Mr. VARDAMAN. Does not the able Senator from Tennessee know that every man in this country who labors, in the field and the factory particularly, contributes to the wealth and support of this Government, and that the man who lives on the farm is quite as much entitled to this consideration and to share in the benefaction which the Government confers by this bill as the man who comes to Washington or accepts employment from the Government at other places at a larger salary, and greater profits than he received at home?

Mr. McKELLAR. There is a basis for the Senator's question, of course; but the difference between the two is that here is a group of old people that have worn themselves out in the service of the Government itself. I think the Senator must see that there is a distinction. I have never studied the question of general old-age pensions. I feel very kindly about it, and I hope that some system will be established by which general old-age pensions may be provided for in the future; but we can not provide for everything in this bill. For instance, the Senator from Utah [Mr. KING] suggests that we ought to put in this bill a prohibition against any increase in the civil service. Perhaps, in order to pass the bill, according to the Senator's view, we ought to provide that the Government shall not take over the railroads; but that legislation is not before the Senate now. I think that legislation ought to stand on its own bottom. We ought to discuss that on its merits when we get to it. We ought to consider this on its merits under existing conditions, under conditions that we know are right; and I take it that neither the Senator from Mississippi nor the Senator from Utah nor the Senator from any other State, if he will give the matter conscientious and careful investigation in the light of all the facts, will for a moment consider voting against a reasonable retirement bill, whether this bill or some other.

Mr. VARDAMAN. I am sure the Senator from Tennessee has given serious thought and profound consideration to this question. I know he is always philanthropic, altruistic, and patriotic; but I can not overlook the fact that the man who comes from his home to Washington to engage in Government service receives a salary greater than he probably enjoyed at home, because he would not have come had it not been that he was endeavoring to better his pecuniary condition. He remains here for a time, works shorter hours, as has been suggested by the able Senator from Colorado—he lives a much easier, less laborious life, and after a few years is retired upon a pension.

To make myself more explicit, the Government employee leaves his employment in Mississippi or Tennessee, which pays him, we will say, \$50 or \$75 per month. He comes to Washington and receives \$100 per month. After working a few months his wages are increased to \$125 or \$150 per month. Now, this same man leaves his parents, his brothers, and his sisters at home to toil, to produce the wealth that pays not only his salary but the taxes also which maintain the Government. As I stated a moment ago, he remains here a few years, and then, under this proposed bill, is retired upon a pension, while his people at home still labor to produce the wealth that pays his salary and all the salaries and expenses of the Government.

I submit, Mr. President, it is not just; it is not fair. I wish to state distinctly, however, that I have no objection to providing for an old-age pension. I think it is proper to take care of the men and women who have gone the full length of years and find themselves in the evening of life penniless. It is a proper employment of the governmental function, and it would give me pleasure to see that the evening of their days is spent above want. They should be afforded the necessary comforts of life; but I submit it is not fair to select a few, especially when you

consider that the few selected have not endured the hardships that are experienced by the people who live on the farms.

It is a singular thing to me that nobody seems to care about the hardships or burdens that are piled upon the back of the farmer of this country. He is taxed without conscience, and when there are any favors to be given out by the Government he is left entirely off the list. The burdens and blessing of Government should rest alike on the rich and the poor, the weak and the strong. A just Government plays no favorites in the dispensation of its favors. The principle of partiality embodied in this bill is a dangerous principle, and I think its enactment will embark this Government on a policy that is going to press heavily upon a certain class of our people.

For that reason I am opposed to the bill proposed by the Senator from Tennessee, and shall vote against it. If, however, Mr. President, the able Senator shall propose a bill providing for an old-age pension, a bill that will do justice alike to all the people who need Government aid, I shall with great pleasure support that bill.

Mr. McKELLAR. There are several answers to the argument of the distinguished Senator from Mississippi. In the first place, comparatively few of the civil-service employees are here in Washington. Only a very small percentage of them are here. In the second place, very few of the civil-service employees in Washington or anywhere else make as much as the men back home. On the contrary, the men back home make more. I can give the Senator an illustration of that right here. The Senator says they ought to be penalized for coming here and accepting positions with the Government.

Mr. VARDAMAN. I beg the Senator's pardon; I did not say that.

Mr. McKELLAR. That would be the legitimate result of the Senator's argument.

Mr. VARDAMAN. Oh, no. They are not penalized at all, but they are rewarded for their coming here, and they come to get a better salary than they were receiving at home.

Mr. McKELLAR. I do not agree with the Senator about that.

Mr. VARDAMAN. Certainly the able Senator will not contend that it is penalizing the Government employees because we refuse to retire them upon a pension.

Mr. McKELLAR. I will withdraw the word "penalize." It is not always true, however, that a man makes more money here. I think as a rule he makes less money in the departments. He has less opportunities in the departments than he has at home. There is no doubt in the world about that; but he is serving the Government, and a great many of us like to serve the Government. I do not think it is an improper ambition to desire to serve the Government, whether in a large capacity or in a small capacity; but I call the Senator's attention to the fact that the ruling prices of labor to-day, which I believe are something like 65 to 72½ cents an hour, are more than is made by the ordinary department clerk. Ordinarily, in times of peace, I think the salaries here run from \$900 to \$1,200; not much more than that. I am talking about the salaries here in Washington. Now, you take the great number of rural carriers, the great number of civil-service employees on the mail trains, take them wherever they are, and they are deserving of consideration, especially when they are old and worn out in the service and no longer able to do any good for themselves or for the Government. Whatever may be the fact about the matter, they have worn themselves out in the service of the Government. Now, are you just going to turn them out to graze or are you going to pension them at \$1,500 a year, as we are doing now, or are you going to make some reasonable, fair, just arrangement by which they can be retired?

Mr. President and Senators, I believe that the bill proposed here is a reasonable and a fair and a just measure. It does not take 8 per cent from the salary of each employee, as is provided in the amendment.

Mr. POMERENE. No, Mr. President; if the Senator please—

Mr. McKELLAR. Well, not exceeding 8 per cent, as provided in the Senator's bill.

Mr. POMERENE. That is only from a comparatively small number.

Mr. McKELLAR. When you give the Government the power to take 8 per cent, they will probably take it before it is over. But, however that may be, 2½ per cent taken from the salary of an employee is not a large sum. It is carefully provided for; it is carefully hedged about; it is carefully arranged; it is carefully prepared. We have had an expert of the Government go over the figures and see whether it will do what it says it will do—that is, pay the annuities that are provided for in the bill—and the Government expert says that it will. The distinguished Senator from Ohio, seeking to find a flaw here and there upon

which to hinge an objection, as it appears to me, says: "Why, Dr. Maddrill said that it was 5½ per cent."

Mr. POMERENE. No; I did not say that.

Mr. McKELLAR. Five and one-tenth per cent, or something in that neighborhood.

Mr. POMERENE. No, Mr. President.

Mr. McKELLAR. Just a trifle more.

Mr. POMERENE. Let us get these figures right, because a tenth of a per cent means millions here. What he did say was that it would cost a few tenths less than 1 per cent in excess of the 5 per cent.

Mr. McKELLAR. I am not going to stop to go over the hearings, because I promised not to take over five or six minutes, and I have already done that, with the interruptions; but if the Senator will look at the hearings he will find that it is about 5½ per cent. Do you know how we took care of that one-tenth of 1 per cent? We struck out the casualty provision in it where injuries occurred; and thereupon it was said that with that feature of the old bill stricken out it would more than take care of this one-tenth of 1 per cent, or whatever it might be, and that the plan could be carried out on the basis of 5 per cent.

Mr. President and Senators, in conclusion I just want to say this: We have done a world of work on this bill. We have carefully guarded it in every way possible. We have guarded the Government's interests. We have guarded the employees' interests. The employees said that they could not under any circumstances contribute more than 2 per cent; that any more than that would vitally affect them, and that they could not give it. As a compromise arrangement, it was provided that each side should bear 50 per cent of the cost. It seems to me that that is fair, and that it ought to commend itself to every Senator.

I have noticed here Senators who oppose this bill voting for an increase of salary of 15 and 20 and in some cases 25 per cent to the employees. Now, let us look at it from that standpoint, Senators. The only thing that you would do about it, if you should regard it as a contribution, would be to raise the salaries 2½ per cent. It does seem to me that when we can raise the salaries 2½ per cent, and at the same time establish a system by which in the future these people can have something to live on in their old age, it is as little as Congress can do for its servants that have been with it for all these years.

I commend the bill to the Senate; I hope that it will pass, and I ask for a vote upon the amendment of the Senator from Wyoming [Mr. WARREN].

Mr. THOMAS. Mr. President, I offer an amendment which I ask the Secretary to read.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. It is proposed to add a new section, as follows:

SEC. 17. Any employee who shall advocate, encourage, or participate in any strike against the Government, or any department, bureau, or commission thereof, or who shall join with other employees in refusing or failing to perform their duties as required by law or the rules and regulations of the heads of the departments, bureaus, or commissions, shall forfeit all right to and shall receive none of the benefits of this act.

Mr. THOMAS. Mr. President, I ask to have that amendment lie over, and, in all probability, I shall have something to say upon it to-morrow.

Mr. KING. Mr. President, I move that the Senate adjourn.

Mr. McKELLAR. Mr. President, will the Senator withdraw that motion for one moment? I should like to ask the Senator from Colorado, in view of the fact that this bill has been the unfinished business now for nearly two months, whether he will not discuss his amendment this afternoon? Indeed, Mr. President, I will say to the Senator from Colorado that I will not object to his amendment, if the Senate sees fit to adopt it, rather than to postpone the final vote upon this very just measure.

Mr. THOMAS. Mr. President, if the Senator could secure a final vote upon this bill to-night, I would gladly comply with his request, although the condition of my voice is such as to make it unsafe for me to say much this afternoon. I understand, however, that there are a number of amendments. It is now nearly 5 o'clock, and I know there are a great many Senators who want to be here when the final vote is taken and who are not now in their seats. I therefore do not believe, and I hardly think the Senator believes, that he could get a final disposition of his bill to-night.

Mr. McKELLAR. I had hoped to get a final disposition of it. It seems to me that a bill like this, which has been before the Senate for two months, might have a final disposition. There is a quorum here; and, so far as the amendment of the Senator



from Colorado is concerned, I shall not offer any objection to that amendment if we may have it voted on now.

Mr. KING. Mr. President, permit me to say that it is impossible to get a quorum here this afternoon, so that it is impossible to make a final disposition of this bill, and I insist upon my motion.

Mr. McKELLAR. One moment: Will the Senator be willing for us to have a vote on it to-morrow? I want to be fair. I think I have been as fair as a man could be in the management of the bill. Whenever a Senator has asked for time, I have without hesitation said that that was all right, and that I should be glad to have him; but this has been going on now for about two months, and it seems to me that surely the committee of which I am a member is entitled to have the bill voted on.

I hope the Senator from Utah will withdraw his motion and let us vote on the bill this afternoon. I appeal to him to do so.

Mr. KING. Mr. President, it is impossible to secure a vote this afternoon. A quorum is not here, and in my opinion it is impossible to secure the presence of a quorum. As for myself, I have no objection to a vote being taken to-morrow. In fact, I have no objection to a vote being taken now, except that there are a number of amendments, and a number of Senators who desire to speak.

Mr. McKELLAR. There are only three amendments—the amendment of the Senator from Wyoming [Mr. WARREN], the amendment of the Senator from Ohio [Mr. POMERENE], and the amendment of the Senator from Colorado [Mr. THOMAS], to which I shall not make any objection.

Mr. THOMAS. Mr. President, I shall not interpose any objection whatever to a vote to-morrow.

Mr. McKELLAR. Then, with that understanding, I make no further request. Mr. President, I move that the Senate adjourn, if the Senator will permit me to do so.

Mr. KING. I have no objection to the Senator making the motion.

The PRESIDING OFFICER. The Senator from Tennessee moves that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, December 4, 1918, at 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES.

TUESDAY, December 3, 1918.

The House met at 12 o'clock noon.

Rev. Charles Wood, D. D., pastor of the Church of the Covenant, Washington, D. C., offered the following prayer:

O Thou God of the whole earth, who dost hold the sea in the hollow of Thy hand, before whom all the nations of the world are but as the fine dust of the balance, invisible to our eyes, we cried unto Thee out of the depths in the hour of our distress. Thou didst still the wild waves; Thou didst beat back the floods of barbarism and of savagery. And grant now that in the hour of triumph we may call to Thee out of hearts that are big with gratitude and with praise. We pray that Thou wilt so deliver us from all self-confidence and pride, from all reliance upon numbers and wealth, upon munitions and men, that this victory may not be the prophecy to us of such ruin as has come to other peoples when they have forgotten God. Grant, we beseech Thee, that the spirit of the Most High may abide here and give guidance unto these Thy servants in their deliberations, and that the blessings of the Lord Almighty may be not only upon them but upon all those whom they represent. And so we beseech Thee that the benediction of Thy grace also may be upon Thy servant the President of the United States, and upon all the delegates to that conference where the destinies of humanity may be decided for many decades. Fill all hearts with high and inspiring hopes that the good purpose of Thy goodness is being accomplished, to Thy glory and to the welfare of the world. And to Thy name shall be praise, Amen.

The Journal of the proceedings of yesterday was read and approved.

### PERSONAL EQUIPMENT, ENLISTED MEN IN ARMY AND MARINE CORPS.

Mr. ASWELL rose.

The SPEAKER. For what purpose does the gentleman from Louisiana rise?

Mr. ASWELL. To ask unanimous consent to proceed for three minutes.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to address the House not to exceed three minutes. Is there objection?

Mr. WALSH. Well, what about, Mr. Speaker? Reserving the right to object—

Mr. ASWELL. To make some suggestions regarding the enlisted men in the Army and Marine Corps.

The SPEAKER. Is there objection?

There was no objection.

Mr. ASWELL. Mr. Speaker, in the last few days I have conferred with a number of enlisted men who are being discharged from the Army and the Marine Corps in several sections of the country, and I am impressed with the great desire on the part of these men to retain their uniforms. It will be a good investment for patriotic purposes, as well as a proper and right thing to do. I ask unanimous consent for the present consideration of the resolution which I send to the Speaker's desk.

Mr. MANN. Well, I object, not knowing what it is. That is not the way to bring it up.

The SPEAKER. The gentleman from Illinois objects.

Mr. ASWELL. I would like to ask the gentleman that it be read.

Mr. MANN. If the gentleman is going to ask unanimous consent then for its consideration, that is not fair to the House.

Mr. ASWELL. I will ask that it be read for information.

Mr. MANN. It is proposed then to ask for its immediate consideration?

Mr. ASWELL. Mr. Speaker, I have two minutes left, and I ask that it be read in my time.

The SPEAKER. The gentleman asks that the resolution be read in his time. Is there objection?

There was no objection.

The Clerk read as follows:

Joint resolution (H. J. Res. —) to dispose of the personal equipment of enlisted men in the Army and the Marine Corps.

*Resolved, etc.,* That the personal equipment of each enlisted man in the Army and in the Marine Corps in the service of the United States on November 11, 1918, shall, upon his honorable discharge, automatically become the personal property of said enlisted man in the Army and Marine Corps.

Mr. DUPRÉ. Mr. Speaker, will the gentleman yield?

Mr. ASWELL. Yes.

Mr. DUPRÉ. Why not include men of the Navy?

Mr. ASWELL. The personal equipment of men of the Navy already belongs to them.

The SPEAKER. The time of the gentleman from Louisiana has expired.

### MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

Sundry messages in writing were delivered from the President of the United States by Mr. Sharkey, one of his secretaries, who also informed the House of Representatives that the President had, on December 2, 1918, approved and signed bill of the following title:

H. R. 12998. An act to amend section 3528 of the Revised Statutes.

### PAYMENT OF DECEMBER SALARIES TO CAPITOL EMPLOYEES.

Mr. SHERLEY. Mr. Speaker, I ask unanimous consent for the present consideration of the following joint resolution.

The SPEAKER. The gentleman from Kentucky asks for the present consideration of the resolution which the Clerk will report.

The Clerk read as follows:

Joint resolution (H. J. Res. 356) authorizing the payment of salaries of officers and employees of Congress for December, 1918.

*Resolved, etc.,* That the Secretary of the Senate and the Clerk of the House of Representatives are authorized and instructed to pay the officers and employees of the Senate and the House of Representatives, including the Capitol police, their respective salaries for the month of December, 1918, on the day of the adjournment for the holiday recess; and the Clerk of the House is authorized to pay on the same day to Members, Delegates, and Resident Commissioners their allowance for clerk hire for the said month of December: *Provided,* That the session employees of the Senate and House of Representatives shall be paid for the entire month of November, 1918, and a sufficient sum is appropriated, out of any money in the Treasury not otherwise appropriated, for that purpose.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker—

Mr. SHERLEY. Mr. Speaker, the first part of the resolution is in the usual form of resolutions providing for the pay of the December compensation prior to Christmas. The latter part is to take care of the situation that grew out of the long session which ended the latter part of November. It ended about 10 days before the beginning of the new session, and the clerks and other employees have practically all continuously remained here. It is impossible, with the sudden termination of that session, to get through a resolution dealing with the situation, and it seemed but equitable to carry the provision contained in the resolution.

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

Mr. SHERLEY. Certainly.

Mr. MANN. The resolution provides for the payment on the late Congress adjourns for its recess. When is that to be? What is the purpose in reference to the House taking a recess?

Mr. SHERLEY. I have no information. My own judgment is that the beginning of that recess ought to be the 24th day of December, and the ending of it ought to be the 26th of December. I express only my personal opinion.

Mr. MANN. I should think it quite certain that in that event there would be no concurrent resolution passed by Congress for a holiday recess, and hence no holiday adjournment; and under that condition this resolution would have no effect, even if it should be passed.

Mr. SHERLEY. Perhaps there will be no need for it in that event.

Mr. MANN. There would be no need, unless the purpose was to do what it has been customary to do; that is, to pay the employees before Christmas Day, so that they can spend the money during Christmas week and be hard up in January.

Mr. LINTHICUM. That is the usual custom.

Mr. SHERLEY. Then in order to prevent any complication, and in order to bring about the consummation which the gentleman suggests, I suggest that the resolution be amended so as to read—

On the 23d day of December, 1918—

In place of the language—

on the day of the adjournment of the present session for the holiday recess.

Mr. MANN. I think that would improve the resolution.

Mr. SHERLEY. I suggest that as an amendment.

Mr. WALSH. We have not got consent to consider it yet.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. WALSH. Reserving the right to object, I should like a little more explanation as to why the session employees should be paid for the entire month of November.

Mr. SHERLEY. It has been the custom where employees were engaged up to near the close of the month that they were paid for the month rather than for a fraction of the month.

Mr. WALSH. It would seem to me that is a pretty good custom to discontinue. How long a time was it?

Mr. SHERLEY. I think we adjourned on the 21st of November. That would be nine days.

The SPEAKER. Is there objection?

There was no objection.

Mr. SHERLEY. Now, I offer an amendment, in line 7, after the word "the," to strike out what follows down to the word "and" in the following line and insert the words "the 23d day of December, 1918."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SHERLEY: In line 7, strike out the words "day of the adjournment of the present session for the holiday recess" and insert in lieu thereof the words "23d day of December, 1918," so that as amended it will read "their respective salaries for the month of December, 1918, on the 23d day of December, 1918."

Mr. WINGO. Mr. Speaker, will the gentleman permit a suggestion?

Mr. SHERLEY. Certainly.

Mr. WINGO. As I now recall, the 23d will be on Monday, and Christmas comes on Wednesday. I suggest that he make it the Saturday preceding, instead of the Monday preceding, Christmas.

Mr. SHERLEY. I have no objection, and I suggest the 21st day of December, then, instead of the 23d.

The SPEAKER. Without objection, the 23d will be changed to the 21st, and, without objection, the amendment will be agreed to.

There was no objection.

The joint resolution as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. FOCHT, indefinitely, on account of death in his family.

To Mr. STEDMAN, for 15 days, on account of sickness in his family.

#### SANATORIUM FOR DISCHARGED SOLDIERS AND SAILORS.

Mr. GARRETT of Tennessee. Mr. Speaker, I offer the following privileged report from the Committee on Rules.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

#### House resolution 437.

Resolved, That immediately upon the adoption of this resolution the House shall resolve itself into Committee of the Whole House on the state of the Union for the consideration of H. R. 12917, entitled "A bill

to provide for the establishment of a sanatorium for the treatment of persons discharged from the military and naval forces of the United States, and for other purposes"; that there shall be not to exceed one hour of general debate. At the conclusion of such general debate the bill shall be considered for amendment under the five-minute rule. After the bill shall have been perfected in the Committee of the Whole House on the state of the Union the same shall be reported to the House with such recommendation as the committee may make, whereupon the previous question shall be considered as ordered upon the bill and all amendments thereto to final passage without intervening motion, except one motion to recommit.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent that the amendment which I send to the Clerk's desk be agreed to.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Amendment proposed by Mr. GARRETT of Tennessee: Page 1, line 2, after the word "resolution," strike out the words "the House shall" and insert in lieu thereof the following: "It shall be in order to move that the House."

Mr. CAMPBELL of Kansas. Mr. Speaker, reserving the right to object—and I shall not object to this amendment—may I suggest to the gentleman from Tennessee in charge of the resolution that he allow two hours for general debate? It has been suggested that this proposes a general subject—that is, the matter of providing hospitals, which should have general discussion, and I suggest that another hour be added for general debate.

Mr. GARRETT of Tennessee. To be confined to the bill.

Mr. CAMPBELL of Kansas. To be confined to the bill.

Mr. GARRETT of Tennessee. I do not know that I have any objection to that, Mr. Speaker—that there be two hours' general debate, to be confined to the bill.

The SPEAKER. Without objection, the first amendment proposed will be agreed to.

Mr. WALSH. I do not think the general debate ought to be confined to the bill.

The SPEAKER. The Chair was not putting that amendment. The first amendment was proposing that it shall be in order to move that the House resolve itself into Committee of the Whole. Without objection, that first amendment will be agreed to.

There was no objection.

The SPEAKER. The question now is on the amendment changing the general debate from one hour to two hours.

Mr. GARRETT of Tennessee. To be confined to the bill.

The SPEAKER. To be confined to the bill.

Mr. WALSH. Do I understand the gentleman to make that motion?

Mr. GARRETT of Tennessee. No.

The SPEAKER. The gentleman from Kansas really made it, and the gentleman from Tennessee accepted it.

Mr. GARRETT of Tennessee. Just a moment. I do not want to lose the floor, nor did I understand that the gentleman from Kansas asked me to yield in such a way as that I would lose the floor.

Mr. CAMPBELL of Kansas. I suggested to the gentleman from Tennessee that he ask unanimous consent that the time be extended one hour.

Mr. GARRETT of Tennessee. And I accepted the suggestion that I would ask unanimous consent to make the general debate two hours instead of one hour, the general debate to be confined to the bill.

The SPEAKER. The gentleman from Tennessee makes that request. Now, if any gentleman has anything to say, this is his opportunity.

Mr. WALSH. Reserving the right to object, Mr. Speaker, the original resolution does not confine the debate to the bill. If we are going to enlarge the time, why restrict the character of the debate?

Mr. GARRETT of Tennessee. I will state to the gentleman from Massachusetts that the reason the original resolution did not in terms confine the debate to the bill was that it was assumed that upon the adoption of the resolution the gentleman in charge of the bill would be recognized for one hour and that he would control all the time for general debate, and it was understood that he would see that general debate was confined to the bill. Now, if we are to change it to two hours the gentleman in charge would be recognized for one hour, and whoever might get recognition would get recognition for another hour and in Committee of the Whole he might discuss any subject whatever. This does not change the original purpose at all.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee? [After a pause.] The Chair hears none.

Mr. GARRETT of Tennessee. Does the gentleman from Kansas desire to make any suggestion as to time for debate on the rule?



Mr. CAMPBELL of Kansas. I had an agreement with the gentleman from Ohio who is opposed to the rule—

Mr. GARRETT of Tennessee. Will 40 minutes, the usual time, be sufficient?

Mr. CAMPBELL of Kansas. Yes.

Mr. GARRETT of Tennessee. Mr. Speaker, I move the previous question.

The previous question was ordered.

Mr. GARRETT of Tennessee. Mr. Speaker, the purpose of this resolution is to make it in order to consider H. R. 12917, a bill to provide for the establishment of a sanatorium for the treatment of persons discharged from the military and naval forces of the United States and for other purposes.

Under the terms of the war-risk insurance act it was provided that treatment should be given to honorably discharged soldiers and sailors of the United States, the treatment to be under the direction of the Public Health Service of the United States, which, as gentlemen know, is a bureau in the Treasury Department. That bureau has not the facilities with which to render the service that is required by the terms of the war-risk insurance act, and it is for the purpose of beginning preparations for the performance of that service and that duty that it is desired to consider this bill, H. R. 12917. I do not care to enter into any discussion of the bill; it is a simple and plain rule. I yield to the gentleman from Massachusetts for a question.

Mr. WALSH. Is it the gentleman's contention that H. R. 12917 takes care of the needs provided for in the war-risk insurance act?

Mr. GARRETT of Tennessee. Not completely.

Mr. WALSH. It does not begin to.

Mr. GARRETT of Tennessee. Yes, it will begin to; but there will be a large number that can not be taken care of there.

Mr. WALSH. Does the gentleman know whether there is any pending legislation which provides for taking care of the entire needs of the Government in that respect?

Mr. GARRETT of Tennessee. There is a bill before the Committee on Public Buildings and Grounds dealing further with the subject, but that has not been officially called to the attention of the Committee on Rules.

Mr. WALSH. That provides a comprehensive scheme for the whole requirements of the Government.

Mr. GARRETT of Tennessee. I am not familiar with the details of the bill.

Mr. GILLET. Will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. GILLET. Will the gentleman tell us, as this is the first bill that comes before us, on what theory the majority of the House is going to act as to bills that are to be passed? Are they to go to the White House and then assume that they will become a law in 10 days, or will they be held back until the end of the session when the President is here?

Mr. GARRETT of Tennessee. I can not give the gentleman any official information.

Mr. GILLET. Does not the gentleman think it fair that this side of the House should know the theory on which the House is going to pass these bills?

Mr. GARRETT of Tennessee. If I knew, I would have no hesitation in telling the gentleman. I have seen what undoubtedly the gentleman has seen in the press as to the plan to be followed.

Mr. GILLET. I have not; I have seen different statements, and I thought probably the persons responsible for legislation would have formed some definite plan which they would be willing to tell us and which we ought to know. It would make a difference whether all the bills are to be held back until the end of the session or are to be pushed through with the assumption that in 10 days they become a law.

Mr. GARRETT of Tennessee. I can state no further, for I have no information on the subject.

Mr. GILLET. Has anyone on that side any information in regard to it?

Mr. GARRETT of Tennessee. I can not answer the gentleman that question.

Mr. CANNON. Will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. CANNON. This expenditure of one million and a half dollars somewhere in Kentucky would take care of 1,000 patients, as I get from a hasty reading of the bill.

Mr. GARRETT of Tennessee. That is the expectation, that it will take care of at least 1,000 patients.

Mr. CANNON. This looks like picking out a place that may be a proper place or may not be a proper place. Does not the gentleman think that the whole matter should be properly taken

up and considered, so that after full and careful consideration the whole subject could be taken care of in a general bill?

Mr. GARRETT of Tennessee. I will say to the gentleman from Illinois that the representatives of the Public Health Service visited this site, examined it carefully, and made a most favorable recommendation upon it. A beginning must be had. This site has the approval of those who are to administer the law and render the service. The land, as the gentleman knows, is to be donated.

Mr. CANNON. No; I did not.

Mr. GARRETT of Tennessee. Yes; the citizens of Dawson Springs, Ky., have acquired an option of 10,000 acres of land, and stand prepared to execute a deed of gift to the Government, without any expense whatever to the Government for the real estate that is to be used, and it is provided expressly in the bill that the United States "is authorized to acquire by gift a tract of land," and so forth.

Mr. CANNON. If they own 10,000 acres there, and propose to give 1,000 acres, without investigation, it looks to me like a case of the early bird.

Mr. GARRETT of Tennessee. The gentleman does not mean without investigation, or perhaps I do not know what the gentleman means by that expression.

Mr. CANNON. I mean this: There are thousands of places, hundreds of thousands of places, in the United States where it would be totally improper to locate a sanatorium. There are many places in the mountains, many springs throughout the country, where the surroundings as to water, elevation, accessibility, climate, and location should be taken into consideration, and there ought to be a general report covering the whole ground. This looks to me like a case of the early bird that catches the worm when, perhaps, there are many other birds that could catch better worms.

Mr. GARRETT of Tennessee. The course followed in this case would appear to be somewhat similar to that which was followed in the location of soldiers' homes. My recollection is that there was no general plan adopted for the location of soldiers' homes, but that a worm was caught here and a worm was caught there and a worm was caught at another place and at many other places. I believe that one worm was caught at Danville, Ill.

Mr. CANNON. Yes; 25 or 30 years after the war closed and after full consideration by a committee and a report to the House. The location of soldiers' homes—

Mr. GARRETT of Tennessee. Oh, I am not criticizing the location at Danville.

Mr. CANNON. I am criticizing, but I do not desire to mention this place or that place or the other place. The early location of soldiers' homes was not a happy one in every instance.

Mr. GARRETT of Tennessee. I do not know about that.

Mr. CANNON. I speak because I do know; but it seems to me that an hour of general debate upon this and then to be considered under the five-minute rule does not provide sufficient time; and, if another committee has this whole matter before it, it seems to me that the matter ought to come from that committee.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. MONDELL. I notice that the argument for the location of the sanatorium at this particular point is predicated largely upon the alleged curative and medicinal value of the Dawson Springs water.

Mr. GARRETT of Tennessee. No; the gentleman is mistaken about that.

Mr. MONDELL. I have read the report rather carefully and that is what I gather from the report, that while this locality is possibly a healthful and proper one for a sanatorium, as many other localities are, the principal argument seems to be the curative value of the Dawson Springs water.

Mr. GARRETT of Tennessee. Let me say to the gentleman it was not so represented to the Committee on Rules, nor do I understand that it was so represented to the Committee on Public Buildings and Grounds in the consideration of the bill—that it was on account of the curative properties of the water as applied to tuberculosis.

Mr. MONDELL. Well, as applied to a variety of diseases.

Mr. GARRETT of Tennessee. There is very fine water at Dawson Springs, Ky.

Mr. MONDELL. My query was this: There is nothing in the legislation so far as I can see that guarantees that the Government shall secure any of the land containing these alleged valuable springs. Then what particular value is there in the establishment of a sanatorium in the vicinity of these springs without a provision whereby the Government shall have the use of some of these waters?

Mr. GARRETT of Tennessee. The gentleman is making an inquiry of me which would better be made when the bill itself comes before the House for consideration.

Mr. MONDELL. I thought possibly the gentleman was informed on that particular phase of the subject.

Mr. GARRETT of Tennessee. My information is that arrangements have been made and that it will be guaranteed to the Government that water will be supplied from various of the wells located there, free of cost.

Mr. MONDELL. They are wells, not springs?

Mr. GARRETT of Tennessee. They are wells, yes. It will be expected, of course, that the Government will furnish the facilities for carrying water to the hospitals.

Mr. MONDELL. Certainly if the curative value of these waters is one of the strong arguments in favor of the establishment of the sanatorium at this point, then legislation should carry some provision under which it is definitely provided and determined that the Government shall have the use of those valuable waters.

Mr. HAMILTON of Michigan. Mr. Speaker, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. HAMILTON of Michigan. Is the gentleman familiar with the springs there—Dawson Springs?

Mr. GARRETT of Tennessee. It is called Dawson Springs, but as a matter of fact the waters come from wells. I am familiar with the place. I have been there several times.

Mr. HAMILTON of Michigan. It is stated here in the testimony of Dr. Banks that the water is practically the same as that at Carlsbad in Bohemia.

Mr. GARRETT of Tennessee. That is my information.

Mr. HAMILTON of Michigan. At Carlsbad there are hot springs and cold springs and several different kinds of springs, several different kinds of medicinal effects to be had. Is this statement of Dr. Banks made advisedly? Is it true that there are springs there of different kinds of water?

Mr. GARRETT of Tennessee. There are wells from which flow different kinds of water; that is, the mineral properties are different in the different wells. I am not chemist enough to explain the properties of the different waters. There is no hot water there.

Mr. HAMILTON of Michigan. How deep do they have to go to get the water?

Mr. GARRETT of Tennessee. They are shallow wells—15 or 20 feet.

Mr. HAMILTON of Michigan. That is, the water does not boil up.

Mr. GARRETT of Tennessee. No; it is pumped.

Mr. DYER. Mr. Speaker, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. DYER. Will the gentleman state, if he knows, the reason why this place was selected for tuberculosis patients?

Mr. GARRETT of Tennessee. I will read to the gentleman from the statement of Dr. Banks in response to a question from Mr. BURNETT.

Mr. DYER. Who is Dr. Banks?

Mr. GARRETT of Tennessee. He is the representative of the Public Health Service of the Treasury Department.

From a climatic standpoint, the temperature and weather records of this locality for the past 20-odd years show a very considerable portion of sunshiny days, somewhere about 75 per cent of clear or sunshiny days, and it is almost virgin soil, with large forests round about.

Then, further, it is because of its central location. It is not very far from the center of population.

Mr. DYER. How many railroads enter this place?

Mr. GARRETT of Tennessee. There is only one railroad, the trunk line of the Illinois Central from Louisville to Memphis, but there is a crossing about 12 miles away, the trunk line of the Louisville & Nashville Railroad.

Mr. DYER. Will the gentleman state, if he has any idea, about how many soldiers there will be need to care for who are ill with tubercular trouble?

Mr. GARRETT of Tennessee. The statement made before the Committee on Rules at the time of the hearing upon this resolution, which was some weeks ago, was that at that time it was estimated there were some 14,000.

Mr. DYER. This will only take care of 500.

Mr. GARRETT of Tennessee. It is supposed that they will be able to take care of a thousand.

Mr. DYER. Does not the gentleman think, with all fairness to the situation, that the suggestion made by the gentleman from Illinois [Mr. CANNON] should be given consideration, and that is instead of going now and starting off on a scheme of piecemeal establishment of a camp here and one somewhere else, just because somebody wants it, that it is better to take this matter

up and give it full, conscientious consideration, with due consideration only for the benefit of the soldiers and not the political subdivisions of the country or because somebody wants an institution there? Let us give this matter the benefit—

Mr. GARRETT of Tennessee. Mr. Speaker, the gentleman's suggestion of a political phase of the matter is one I had not heard at any time or at any place until he suggested it.

Mr. DYER. I will say to the gentleman that there has been much complaint throughout the war about the establishment and location of camps for soldiers, and a lot of them have been established, according to—

Mr. GARRETT of Tennessee. I do not want to yield all of my time. I desire to reserve some of my time. If I yield further I will have to appeal to the gentleman from Kansas to help me out on time.

Mr. CAMPBELL of Kansas. The demand for time is accumulating over here.

Mr. GARRETT of Tennessee. I shall have to reserve the remainder of my time then. I am perfectly willing to answer all questions I can answer.

The SPEAKER. The gentleman has three minutes left.

Mr. MOORE of Pennsylvania. Will not the gentleman answer me in that three minutes? The appropriation here is \$1,500,000, is it not?

Mr. GARRETT of Tennessee. That is in the bill. Mr. Speaker, I hope gentlemen will not regard me as disrespectful, but I must reserve the remainder of my time.

The SPEAKER. The gentleman reserves three minutes. The gentleman from Kansas is recognized for 20 minutes.

Mr. CAMPBELL of Kansas. Mr. Speaker, this resolution brings up a very important subject matter. Whether or not the bill made in order by this resolution should be passed by the House is a question for the House to determine after the rule has been agreed to. There are now few questions of more importance to the returned soldiers and to their friends than to provide suitable places in which they may be treated for diseases and wounds incurred in the line of their duty. This resolution makes in order a bill which provides 500 beds in the way of hospital facilities.

Mr. HAMILTON of Michigan. May I ask the gentleman a question?

Mr. CAMPBELL of Kansas. Not now. There are now, it is estimated, hospitals for the treatment of about 14,000 soldiers.

Mr. DYER. There will be 100,000 before the thing is all over.

Mr. CAMPBELL of Kansas. It is not definitely known for how many provision must be made. Personally I am indifferent as to the place of location of any of these hospitals if we provide places where wounded or diseased men may be treated. I am interested, as I am sure every Member of this House is interested, in establishing hospitals where they may be treated at the earliest opportunity after they have incurred diseases or wounds. That question was discussed somewhat at length by the Committee on Rules as to the policy that should be pursued. Personally I suggested, and I now suggest and favor, a general scheme that will take care of as many soldiers or discharged soldiers as need treatment. This must be done. The earlier it is done the better for the country and for the soldiers treated. It was suggested that many of our soldiers' homes now used for veterans of the Civil War may be in large measure used as hospitals for the soldiers of this great war. Even that will not provide sufficient hospital facilities, it is estimated.

Mr. GOOD. Will the gentleman yield there? These hearings were had while hostilities were going on?

Mr. CAMPBELL of Kansas. Oh, yes.

Mr. GOOD. And when it was anticipated that the Army would be very largely increased?

Mr. CAMPBELL of Kansas. When that was expected.

Mr. GOOD. A different condition.

Mr. SNYDER. Will the gentleman yield for a question?

Mr. CAMPBELL of Kansas. I would rather conclude my statement, but I will yield.

Mr. SNYDER. I just wanted to suggest that it will be some time before this sanatorium would be completed for the use of these men. In the meantime what will be done with all the hospitals we have built and created throughout the country? Could not they be used feasibly for this purpose?

Mr. CAMPBELL of Kansas. The hospitals we have provided and soldiers' homes that can provide room will undoubtedly be used as necessity requires.

Mr. GARRETT of Tennessee. Will the gentleman permit just a moment?

Mr. CAMPBELL of Kansas. Yes.

Mr. GARRETT of Tennessee. It seems to me the attention of Members should be called to the fact that this is for the treatment of discharged soldiers and sailors. The hospitals



which are in existence, with the exception of one, so far as I now remember, are all for men who are in the service and before they have been discharged.

Mr. CAMPBELL of Kansas. Let me conclude and—

Mr. SNYDER. Certainly there is no reason in the world why these hospitals, after they become not useful for taking care of the present Army, could not be used for this purpose.

Mr. CAMPBELL of Kansas. When this resolution was under consideration and when the bill made in order was under consideration before the Committee on Public Buildings and Grounds the war was still on. Men were being drafted in every section of the country. We were increasing the number of men in the service by hundreds of thousands. Now the war is ended, and the demobilization of armies, the discharge of men, is now the order of the War Department. The processes of discharging men from the service will continue as rapidly as the War Department can perform its work. This will make available many hospitals for discharged soldiers that would otherwise be used for soldiers not discharged. So the subject is one that must have early action by the Congress, in view of the conditions as they now exist.

Mr. DOWELL. Will the gentleman yield there?

Mr. CAMPBELL of Kansas. For a question.

Mr. DOWELL. Was any plan suggested by the War Department to your committee for taking care of those who can not be taken care of in this hospital when this question was up for the granting of this rule?

Mr. CAMPBELL of Kansas. That question was not raised. It was, as suggested, that this bill provided a hospital in which tubercular patients, or patients with incipient tuberculosis, might be treated.

Mr. DOWELL. As I recall, the chairman of the committee stated on the floor some weeks ago that there were already 24,000.

Mr. CAMPBELL of Kansas. It is estimated that there are 14,000 discharged soldiers who will need hospital treatment.

Mr. DOWELL. It is apparent, then, that this does not even start to take care of that number.

Mr. CAMPBELL of Kansas. This would only make provision for about 500 beds.

Mr. HAMILTON of Michigan. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I yield for a question.

Mr. HAMILTON of Michigan. The bill provides that this sanatorium shall have a capacity of not less than 500 beds. The gentleman from Tennessee [Mr. GARRETT] says that the hospital will provide for 1,000 patients. Do you propose to put two in a bed, or what is the arrangement?

Mr. CAMPBELL of Kansas. I propose nothing of the kind.

Mr. HAMILTON of Michigan. There is another proposition I would like to submit to the gentleman. I would like to know if the climate of Dawson Springs is considered to be a climate particularly favorable to the treatment of tuberculosis. Has it been resorted to heretofore as a place where tubercular patients may be restored to health?

Mr. CAMPBELL of Kansas. That question was raised. It has not been regarded by physicians or by others as a tubercular resort, although physicians appearing before the Committee on Rules said that the theory of altitudes was now discarded by physicians generally, and that sunshiny places, with healthful surroundings, with good food and water, providing cleanly places for living and good treatment, were as good for tubercular patients as higher altitudes and drier climates.

Mr. HAMILTON of Michigan. I wish to say to the gentleman that I have heard a good deal of testimony on this subject, and that it has been universally considered that the climate of Arizona, New Mexico, and western Texas is a much better climate.

Mr. CAMPBELL of Kansas. That is the opinion I have entertained myself.

I asked for an additional hour for the discussion of this bill because of the very important subject that it raises; and I am glad to see the membership of the House taking an interest in it, and I trust, whatever becomes of this particular item, that the whole subject will have early consideration; and I would like to see among other places provided for the treatment of the soldiers the place at Dawson Springs, not because it would be peculiarly adapted to tubercular patients but because it would be adapted to any patients afflicted with other diseases, like Bright's disease or incipient Bright's disease or rheumatism. The waters are said to be almost exactly the same as the waters at Carlsbad—

Mr. HAMILTON of Michigan. There are several different waters at Carlsbad.

Mr. CAMPBELL of Kansas (continuing). And if that is true, it would be a good place for one of the hospitals.

Mr. HELVERING. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I will.

Mr. HELVERING. I wish to inquire if the gentleman has knowledge of what the present equipment at Dawson Springs is.

Mr. CAMPBELL of Kansas. Just hotel facilities. It is a summer resort with summer hotels. Southern people go there very generally.

Mr. HELVERING. The gentleman is speaking of the curative property of the waters, and I wanted to know whether there was a summer resort there or not.

Mr. CAMPBELL of Kansas. There are hotels there. I think one of them is open all the year round.

Mr. HAMILTON of Michigan. Does the gentleman understand that what has been referred to here as Carlsbad water is particularly adapted to cases of Bright's disease?

Mr. CAMPBELL of Kansas. I understand that people from this country who are fearful they are about to have Bright's disease go to Carlsbad for treatment.

Mr. HAMILTON of Michigan. There are about half a dozen different kinds of water at Carlsbad.

Mr. MONDELL. The gentleman has referred to the alleged curative qualities of the water at Dawson Springs or thereabouts. Possibly the gentleman can answer the question that I propounded to the gentleman from Tennessee [Mr. GARRETT].

Mr. CAMPBELL of Kansas. I can not.

Mr. MONDELL. There may be a sanatorium established in the vicinity of an alleged valuable springs without any arrangements for any particular use of the springs.

Mr. CAMPBELL of Kansas. I understand arrangements will be made for piping the water to the place donated by the citizens to the Government.

Mr. MONDELL. There is nothing in the bill assuring the use of these waters.

Mr. LA GUARDIA. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I will.

Mr. LA GUARDIA. Is the purpose of this institution to be for tubercular patients?

Mr. CAMPBELL of Kansas. That was the original intention of the bill.

Mr. LA GUARDIA. What has the water to do with tubercular patients?

Mr. CAMPBELL of Kansas. Nothing, except that it is important that patients drink water and take proper baths.

I now yield three minutes to the gentleman from Iowa [Mr. GREEN].

The SPEAKER. The gentleman from Iowa is recognized.

Mr. GREEN of Iowa. Mr. Speaker, there was a time when the question of the appropriation of \$1,850,000 would have occupied considerable discussion in this House and there would have been no difficulty in obtaining a reasonable time for its discussion. That time was not so very many years ago. It was when the debt of this country was not a tithe of what it is now. It was when the expenditures which we expected to incur were not a tithe of what we now expect to incur in the future. But for some reason it appears now that my friend from Tennessee [Mr. GARRETT] is very reluctant to grant a reasonable time for general debate here unless that time should be confined to the discussion of this particular bill.

Mr. Speaker, the very fact that at the opening of this session, just as soon as Members can get the floor and obtain opportunity, they offer this bill, which has not been fully or carefully considered even in the committee, and which will have no opportunity to be properly considered on this floor, for the purpose of getting \$1,850,000 to be expended in the State of Kentucky, seems to furnish a sufficient reason why gentlemen do not want general discussion at this time.

Mr. LONGWORTH. Mr. Speaker, will the gentleman yield?

Mr. GREEN of Iowa. Certainly.

Mr. LONGWORTH. Is it not a fact that this measure involves the ultimate expenditure of a much larger sum than \$1,850,000? On the face of this report it is to appropriate \$1,500,000 and is intended to house 500 men only. Therefore, if we are going to house these 14,000 men it will amount to considerably over \$40,000,000, which surely ought to be considered in this House at this time.

Mr. GREEN of Iowa. Yes. I am glad the gentleman from Ohio spoke of that right there. There is no doubt that in connection with this project there will be two or three million dollars expended for this particular proposition, and that for all measures of this kind, if expended in this manner, at least \$40,000,000.

Mr. REAVIS. Mr. Speaker, will the gentleman yield?

Mr. GREEN of Iowa. With pleasure.

Mr. REAVIS. Is it not true that the matter of the treatment of soldiers suffering from disability should be considered in a

very comprehensive plan rather than by merely nibbling at it, as seems to be contemplated in this bill?

Mr. GREEN of Iowa. Yes. The gentleman from Kansas [Mr. CAMPBELL] referred to that. There is no question but that we ought to have a definite and comprehensive plan and should know what it will cost.

Mr. REAVIS. And we should know how many we are to provide for.

Mr. GREEN of Iowa. Yes; we should know how many we are to provide for. But at present we know neither the one nor the other, and no effort was made to find out, apparently. There was no effort made to find out whether or not this was the best place at which to locate this sanatorium. There was no evidence brought out on that point. The evidence merely showed that the location had some medicinal water, some sunshiny days, and, wonderful to behold, some woods or timber near it. Not a fact was stated which would show any advantage for treating tuberculosis.

Mr. CLARK of Florida. Mr. Speaker, will the gentleman yield to me?

Mr. GREEN of Iowa. I regret I can not. I have only three minutes.

Mr. CLARK of Florida. I want to say that the Public Health Service investigated it and made an extensive report.

Mr. GREEN of Iowa. The gentleman is in error. It did not investigate it or make an extensive report with a view to determine whether it was one of the best locations for a tuberculosis hospital; and if they had done so, that fact would have been prima facie evidence of the incompetence of the Public Health Service, so far as this place being a proper location for a sanatorium of this character, although the water may be excellent for the treatment of other diseases.

Everybody knows that during these war times we have been voting millions, and even billions, of dollars without any proper discussion. This may have been necessary during war time. Probably it was, but are we going to continue in the same manner now that the necessities of war are no longer upon us? If so, all the waste that characterized our war appropriations will be repeated in time of peace.

The SPEAKER. The time of the gentleman from Iowa has expired.

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield three minutes to the gentleman from Massachusetts [Mr. GILLET].

The SPEAKER. The gentleman from Massachusetts is recognized for three minutes.

Mr. GILLET. Mr. Speaker, when this bill was before us at the last session of Congress I objected to it on the same ground that has been put forward just now, that when we are beginning to take up this project we should first consider a comprehensive plan which would cover the whole field. I remember that when this bill was discussed before the gentleman from Kentucky [Mr. CANTRELL] said that there would have to be a sanatorium in every State of the Union. I hope that is not true; but if it is true, or near the truth, we ought to take up the question with some comprehensive purpose, and we ought to have a report upon the subject from the very best health officers of the country, telling us where these institutions should be located, how much we should expend upon them, and where the men to be treated could be best cared for.

Now, of course, everybody on both sides wants to do what is the best for these sick men when they come back. We do not, however, want to spoil an entire scheme by suddenly jumping into one place and making a nibble there. There is a bill pending before the Committee on Public Buildings and Grounds which, it seems to me, is a basis for a comprehensive scheme which the Government can go into with full light and under which it may properly provide for the situation that may arise.

The gentleman from Florida [Mr. CLARK] says the authorities of the Public Health Service have recommended this project. Of course they have. I do not blame them. The Public Health Service wants to perform a service for these men, as we all do; and the officials of the Public Health Service are willing to take the best they can get whenever they can get it. But Congress is the body which ought to provide wisely and far-sightedly for these matters, and we ought to get the best professional opinion that can be obtained, and then the best estimate as to the numbers of men to be cared for, and in that way make a final plan. Kentucky may be an admirable place for the treatment of tuberculosis. As to that, I am not particularly informed. I have never given study to that question, but I have always understood that either a warm and dry climate, like that of Arizona and New Mexico, or a high altitude like Colorado, is the best for the treatment of tuberculosis. But I will leave that to the experts. What we ought to do is to let the experts thoroughly investigate the subject and let them

report to the Committee on Public Buildings and Grounds, and then, with a far-embracing and well-prepared bill before us, we can speedily enact it. It is not going to delay anything. We will not gain time by passing simply this detached bill. This bill will not provide for anything like all the soldiers that may require treatment, and therefore we should wait until we get the best authority for the right thing, and not, perhaps, do the worst thing at the beginning. [Applause.]

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. CAMPBELL of Kansas. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has four minutes remaining.

Mr. CAMPBELL of Kansas. I yield that time to the gentleman from Missouri [Mr. DYER].

The SPEAKER. The gentleman from Missouri is recognized for four minutes.

Mr. DYER. Mr. Speaker, I sincerely hope, in the consideration of legislation for the benefit of men who have served their country in this war, we will give weight to but one thought, with one mind, and that is to do the best we can do for these men. We in this war have voted for a lot of things, and a lot of things have been authorized under authority conferred by the War Department, which in this House have been questionable with regard to the merit and the value that has been given.

Now, we ought to enter upon a consideration of the things to be done for the care of the men whose health has been ruined in the service of their country, and we ought to do the best that we can do for them and not start here to-day upon a cheap, piecemeal bill for the care of a few men who are coming home, and men who are already here, afflicted with that horrible disease, tuberculosis. If this bill becomes a law, the building proposed to be erected will no doubt take many months in its construction before it can house a single man discharged from the Army. As the gentleman from Illinois [Mr. CANNON] has said and as others have said, we must enter into this question of the care of thousands of men who are coming home afflicted with tuberculosis because of their service in France and because of their service in the camps in this country. Camps have been selected in this country without due regard to military intelligence and without due regard to the advice of the Surgeon General, and because of that fact thousands of our soldiers are now afflicted with tuberculosis and thousands have died.

Mr. GORDON. Will the gentleman yield?

Mr. DYER. No; I can not yield.

The SPEAKER. The gentleman declines to yield.

Mr. DYER. The Committee on Military Affairs or some other committee should take up this subject and deal with it intelligently and map out a plan for the care of these thousands—yes, the hundred thousand and more men—who, on account of their service, will be found suffering from this terrible disease. We must not now give any heed to the advantage of any State, any locality, or any town, but we must give heed only to the general welfare of our men who are coming home from France. We must not do what we have been doing in the past, place hospitals and camps in locations which are not for the best interests of the soldiers. Mr. Speaker, I trust that this measure will be defeated and that the Congress, under the advice of the Surgeon General and the health authorities, will establish something that is for the good of the whole Army.

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. GARRETT of Tennessee. Mr. Speaker, I desire at the outset to correct one statement just made by the gentleman from Missouri [Mr. DYER], namely, that the camps for the mobilizing of the Army of the United States were selected without consultation with the Surgeon General of the Army. The gentleman is entirely mistaken in that.

Mr. DYER. If the gentleman will yield, I will say that I have been told—

Mr. GARRETT of Tennessee. No; I can not yield to the gentleman.

Mr. DYER. The gentleman makes a misstatement.

Mr. GARRETT of Tennessee. Did not the gentleman say that the camps were located without consulting with the Surgeon General?

Mr. DYER. I said they were not in all instances, and I can prove that statement.

Mr. GARRETT of Tennessee. My information is different. Now, I am unable to understand some of the arguments made by gentlemen, particularly that argument which says that because it will be some time before this hospital can be completed, therefore we should not begin it at all. I can not understand exactly the argument of the gentleman from Iowa [Mr. GREEN]



that tubercular patients are not to be treated at all if they have to be treated in Kentucky. That seems to be the logic of the gentleman's argument.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. GARRETT of Tennessee. No; I do not. This site has been investigated by the authorities that are to administer this service under the terms of the law unanimously passed by the Congress of the United States. It has been investigated by the experts of the Public Health Service in the Treasury Department who have been there personally and examined the ground, examined the water, examined the climate, and who have recommended that this bill be passed in order that they may begin to perform the service imposed upon them by the Congress. To say that because this hospital can not be built in a week or a month we shall not begin on it at all is to my mind a very remarkable argument and does not carry any weight. I may state that the hearings had before the Committee on Public Buildings and Grounds were published weeks and weeks ago, and were available to every Member who chose to take them and read them. These hearings contain a letter from the Secretary of the Treasury, most earnestly appealing for the passage of this bill and for the consideration of the other general bill that is before the committee. In this document, which I have not the time to have read now, but which will be read in the debate on the bill, I am sure, if the rule shall pass, he points out specifically the reasons why this bill should pass.

Mr. Speaker, I ask for a vote on the resolution.

The SPEAKER. Before putting the vote the Chair will lay before the House two messages from the President.

NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS (S. DOC. NO. 307).

The SPEAKER laid before the House the following message from the President:

*To the Senate and House of Representatives:*

As required by the provisions of the act of March 3, 1915, making appropriations for the naval service for the fiscal year ending June 30, 1916, I transmit herewith the Fourth Annual Report of the National Advisory Committee for Aeronautics for the fiscal year ended June 30, 1918.

The recommendation of the committee as outlined in the closing paragraphs of its report for the continuance of the scientific study of the problems of flight and the development of aviation for all purposes has my hearty approval. Attention is also invited to the recommendation of the committee that the appendixes of this report be published with the report as a public document.

WOODROW WILSON.

THE WHITE HOUSE, December 3, 1918.

Note.—Report accompanied similar message to the Senate.

The SPEAKER. This message will be ordered printed and referred to the Committee on Naval Affairs without the accompanying documents.

Mr. MANN. Did the Speaker order the appendixes printed?

The SPEAKER. They have been printed in the Senate, as the Chair understands. If it turns out that they were not printed in the Senate the Chair will order them printed here to-morrow.

COUNCIL OF NATIONAL DEFENSE (H. DOC. NO. 1440).

The SPEAKER laid before the House the following message from the President:

*To the Senate and House of Representatives:*

As required by the provisions of the Army appropriation act, approved August 29, 1916, creating the Council of National Defense, I transmit herewith the Second Annual Report of the Council of National Defense for the fiscal year ending June 30, 1918.

WOODROW WILSON.

THE WHITE HOUSE, December 3, 1918.

Note.—Report accompanied similar message to the Senate.

The SPEAKER. This message will be printed and referred to the Committee on Appropriations. The situation with reference to the accompanying documents is the same as in the preceding case.

SANATORIUM FOR DISCHARGED SOLDIERS AND SAILORS.

The House resumed consideration of House resolution 437.

The SPEAKER. The question is on agreeing to the resolution.

The question being taken, on a division (demanded by Mr. GARRETT of Tennessee), there were—ayes 47, noes 61.

Mr. GARRETT of Tennessee. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Tennessee makes the point of order that there is no quorum present. Evidently there is none. The Doorkeeper will lock the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. The question is on agreeing to the resolution.

The question was taken; and there were—yeas 152, nays 151, answered "present" 5, not voting 126, as follows:

YEAS—152.

|                |                 |               |                 |
|----------------|-----------------|---------------|-----------------|
| Alexander      | Dixon           | Jones         | Rouse           |
| Almon          | Dominick        | Kettner       | Rubey           |
| Ashbrook       | Doolittle       | Key, Ohio     | Rucker          |
| Aswell         | Doremus         | Kincheloe     | Sabath          |
| Austin         | Doughton        | Kling         | Saunders, Va.   |
| Ayres          | Drane           | Kitchin       | Scully          |
| Bankhead       | Dupré           | Kreider       | Shallenberger   |
| Barkley        | Eagle           | Lazaro        | Sherley         |
| Barnhart       | Evans           | Lee, Ga.      | Sims            |
| Beakes         | Fields          | Lever         | Sisson          |
| Bell           | Fisher          | Linthicum     | Slayden         |
| Beshlin        | Flood           | London        | Small           |
| Black          | Foster          | Lundeen       | Smith, Idaho    |
| Bland, Va.     | Gallagher       | McAndrews     | Snook           |
| Bhanton        | Gard            | McKeown       | Stegall         |
| Boehrer        | Garner          | McLemore      | Steele          |
| Borland        | Garrett, Tenn.  | Mansfield     | Stephens, Miss. |
| Brand          | Glass           | Martin        | Stephens, Nebr. |
| Brumbaugh      | Goodwin, Ark.   | Mays          | Sterling        |
| Buchanan       | Gordon          | Moon          | Stevenson       |
| Burnett        | Gray, Ala.      | Morgan        | Summers         |
| Byrnes, S. C.  | Griffin         | Neely         | Tague           |
| Caldwell       | Hamlin          | Oldfield      | Taylor, Ark.    |
| Campbell, Pa.  | Hardy           | Oliver, Ala.  | Thompson        |
| Candler, Miss. | Harrison, Miss. | Oliver, N. Y. | Tillman         |
| Cantrill       | Harrison, Va.   | Olney         | Vinson          |
| Caraway        | Hastings        | Overmyer      | Walton          |
| Carew          | Heflin          | Overstreet    | Watkins         |
| Clark, Fla.    | Helvering       | Padgett       | Watson, Va.     |
| Claypool       | Hilliard        | Park          | Weaver          |
| Cleary         | Holland         | Phelan        | Webb            |
| Collier        | Hollingsworth   | Polk          | Welty           |
| Crosser        | Houston         | Pou           | White, Ohio     |
| Davey          | Huddleston      | Price         | Wilson, La.     |
| Delaney        | Humphreys       | Quin          | Wingo           |
| Dent           | Igoe            | Rayburn       | Wright          |
| Denton         | Jacoway         | Robinson      | Young, Tex.     |
| Dewalt         | Johnson, Ky.    | Romjue        | The Speaker     |

NAYS—151.

|                 |                 |                   |                |
|-----------------|-----------------|-------------------|----------------|
| Anderson        | Foss            | Little            | Rose           |
| Anthony         | Frear           | Longworth         | Rowe           |
| Baer            | Freeman         | Lufkin            | Sanders, Ind.  |
| Birch           | French          | McArthur          | Schall         |
| Bland, Ind.     | Fuller, Ill.    | McCulloch         | Scott, Iowa    |
| Bowers          | Gillett         | McFadden          | Sells          |
| Britten         | Glynn           | McKenzie          | Siegel         |
| Browning        | Good            | McKinley          | Sinnott        |
| Burrighs        | Graham, Ill.    | McLaughlin, Mich. | Sloan          |
| Butler          | Graham, Pa.     | McLaughlin, Pa.   | Smith, Mich.   |
| Cannon          | Gray, N. J.     | Madden            | Snyder         |
| Cary            | Green, Iowa     | Magee             | Stafford       |
| Chandler, N. Y. | Greene, Mass.   | Mann              | Steenerson     |
| Chandler, Okla. | Greene, Vt.     | Mapes             | Stines         |
| Clark, Pa.      | Griest          | Miller, Minn.     | Strong         |
| Claason         | Hadley          | Miller, Wash.     | Sweet          |
| Cooper, Ohio    | Hamilton, Mich. | Mondell           | Switzer        |
| Cooper, W. Va.  | Hamilton, N. Y. | Moore, Pa.        | Temple         |
| Cooper, Wis.    | Haskell         | Moore, Ind.       | Templeton      |
| Copley          | Hawley          | Morin             | Tilson         |
| Crago           | Hersey          | Mott              | Timberlake     |
| Currie, Mich.   | Hicks           | Nichols, Mich.    | Towner         |
| Dallinger       | Hull, Iowa      | Paige             | Vare           |
| Darrow          | Husted          | Parker, N. J.     | Vestal         |
| Denison         | Hutchinson      | Parker, N. Y.     | Volstead       |
| Dillon          | Ireland         | Peters            | Walsh          |
| Dowell          | Kahn            | Platt             | Ward           |
| Drukker         | Kearns          | Porter            | Watson         |
| Dunn            | Kelley, Mich.   | Pratt             | Watson, Pa.    |
| Dyer            | Kennedy, Iowa   | Purnell           | Wheeler        |
| Edmonds         | Kennedy, R. I.  | Ramsey            | White, Me.     |
| Elliott         | Knutson         | Randall           | Williams       |
| Elston          | Kraus           | Rankin            | Wilson, Ill.   |
| Esch            | La Follette     | Reavis            | Winslow        |
| Essen           | LaGuardia       | Reed              | Woodyard       |
| Fairfield       | Lampert         | Robbins           | Young, N. Dak. |
| Farr            | Lea, Cal.       | Rodenberg         | Zihman         |
| Fordney         | Lehibach        | Rogers            |                |

ANSWERED "PRESENT"—5.

Bacharach Johnson, Wash. Shackelford Snell

Campbell, Kans.

NOT VOTING—126.

|                 |                  |               |                  |
|-----------------|------------------|---------------|------------------|
| Benson          | Dale, N. Y.      | Fess          | Heaton           |
| Blackmon        | Dale, Vt.        | Flynn         | Heintz           |
| Brodbeck        | Davis            | Focht         | Helm             |
| Browne          | Decker           | Francis       | Hensley          |
| Byrnes, Tenn.   | Dempsey          | Fuller, Mass. | Hood             |
| Carlin          | Dickinson        | Gallivan      | Howard           |
| Carter, Mass.   | Dies             | Gandy         | Hull, Tenn.      |
| Carter, Okla.   | Dill             | Garland       | James            |
| Church          | Donovan          | Garrett, Tex. | Johnson, S. Dak. |
| Coady           | Dooling          | Godwin, N. C. | Juni             |
| Connally, Tex.  | Eagan            | Goodall       | Keating          |
| Connolly, Kans. | Ellsworth        | Gould         | Keohoe           |
| Costello        | Emerson          | Gregg         | Kelly, Pa.       |
| Cox             | Estopinal        | Hamill        | Kless, Pa.       |
| Cramton         | Fairchild, B. L. | Haugen        | Kinkaid          |
| Crisp           | Fairchild, G. W. | Hayden        | Langley          |
| Curry, Cal.     | Ferris           | Hayes         | Larsen           |

|                 |               |                |              |
|-----------------|---------------|----------------|--------------|
| Leshner         | Nolan         | Sanders, N. Y. | Tinkham      |
| Littlepage      | Norton        | Sanford        | Treadway     |
| Lobeck          | Osborne       | Scott, Mich.   | Van Dyke     |
| Loneragan       | O'Shaunessy   | Scott, Pa.     | Venable      |
| Lunn            | Powers        | Sears          | Voigt        |
| McClintie       | Ragsdale      | Sherwood       | Waldow       |
| McCormick       | Railey, H. T. | Shouse         | Walker       |
| Maher           | Rainey, J. W. | Slomp          | Welling      |
| Mason           | Raker         | Smith, C. B.   | Whaley       |
| Merritt         | Ramseyer      | Smith, T. F.   | Wilson, Tex. |
| Montague        | Riordan       | Stedman        | Wise         |
| Mudd            | Roberts       | Sullivan       | Wood, Ind.   |
| Nelson, A. P.   | Rowland       | Swift          | Woods, Iowa  |
| Nelson, J. M.   | Russell       | Taylor, Colo.  |              |
| Nicholls, S. C. | Sanders, La.  | Thomas         |              |

So the resolution was agreed to.

The following pairs were announced:

Until further notice:

Mr. CONNALLY of Texas with Mr. JOHNSON of Washington.

Mr. HAMILL with Mr. HAYES.

Mr. SANDERS of Louisiana with Mr. SANDERS of New York.

On this vote:

Mr. BLACKMON (for) with Mr. SWIFT (against).

Mr. HELM (for) with Mr. DALE of Vermont (against).

Mr. MANN. Mr. Speaker, would it be proper to order a recapitulation of the vote, which I judge is very close?

Mr. GARRETT of Tennessee. Let us hear the announcement.

The SPEAKER. One hundred and fifty-seven ayes to one hundred and fifty.

Mr. MANN. Then I do not care for a recapitulation.

The SPEAKER. The Chair was in error; the 1 in the figures handed up by the Clerk appears like a 7. The vote is 151 to 150. The gentleman from Illinois demands a recapitulation, and the Chair thinks he is entitled to it.

The vote was recapitulated.

Mr. MANN. Mr. Speaker, I did not hear the name of the gentleman from Wisconsin, Mr. LAMPERT, called. I ask if he is recorded.

The SPEAKER. The Chair is informed that his name was called and that he did not respond. But before the Chair passes on that the Clerk will announce the Members "present."

The Clerk read as follows:

Mr. BACHARACH, Mr. CAMPBELL of Kansas, Mr. JOHNSON of Washington, Mr. SHACKLEFORD, and Mr. SNELL.

The SPEAKER. What is the gentleman's inquiry?

Mr. MANN. Is the gentleman from Wisconsin, Mr. LAMPERT, recorded?

The SPEAKER. He is not recorded.

Mr. MANN. The gentleman states that he voted. He is here, and a number of Members heard him vote on the regular roll call. Mr. GARRETT of Tennessee. Was the usual question put to the gentleman?

Mr. FULLER of Illinois. I heard him vote.

Mr. MANN. There was no "usual" question put to him. He was present and voted when his name was called on the roll call.

The SPEAKER. If the gentleman was here and voted, he has an undoubted right to have his vote recorded. The Clerk will call his name.

The Clerk called the name of Mr. LAMPERT, and he answered "Nay."

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. CLARK of Missouri, and he answered "Yea."

Mr. STAFFORD. Mr. Speaker, on the recapitulation of the vote I did not hear my name among those recorded as voting nay. I voted nay on the first roll call, and I rise to inquire whether I am in error or not.

The SPEAKER. The gentleman is recorded. After the recapitulation and the vote of the gentleman from Wisconsin [Mr. LAMPERT] and the Speaker, the vote stands—yeas 152, nays 149.

Mr. MANN. How did we lose one?

The SPEAKER. By virtue of mathematics, the Chair supposes.

Mr. MANN. We had 150 before and added 1, and that makes 149. [Laughter.]

The SPEAKER. This vote as handed up to the Speaker by the Clerk stands—yeas 152, nays 149, present 5. The resolution is agreed to. The Chair desires to make this statement: He announced the vote first as 157 yeas and 150 nays, and any man with good eyes in his head who will look at the figure "1" as it is upon this sheet handed up to the Chair, with the tail of the "5" running through it, would make an affidavit that it was a "7" and not a "1."

A quorum being present, the doors were opened.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent that the Committee on Military Affairs may be discharged from further consideration of House joint resolution 345 and that the same be referred to the Committee on Insular Affairs.

Mr. WALSH. Mr. Speaker, reserving the right to object, what is the resolution?

Mr. GARRETT of Tennessee. It is a Porto Rican matter.

Mr. FIELDS. Will the gentleman explain what it is?

The SPEAKER. The gentleman from Tennessee asks unanimous consent that House joint resolution 345, which was referred to the Committee on Military Affairs, be referred to the Committee on Insular Affairs. Is there objection?

Mr. CALDWELL. Mr. Speaker, reserving the right to object, I do not recall what the matter is by the number. Will the gentleman tell us what it is?

Mr. MANN. I think the matter ought to be called up at the regular time.

Mr. GARRETT of Tennessee. Mr. Speaker, this is a resolution that has already passed the House. It was not introduced in the regular way, but was brought up by unanimous consent, and when passed was a typewritten proposition, not having been printed. The gentleman from Iowa [Mr. TOWNER] and myself collaborated in it. It was a matter for the relief of the Porto Rican earthquake sufferers. For some reason that I can not understand after it had passed the House it was printed and referred to the Committee on Military Affairs, which has nothing in the world to do with it. The only question there could possibly be about it would be whether it should be referred to the Committee on Appropriations or to the Committee on Insular Affairs. It has already passed. It is not a matter of great difference, except if the question of conferees should arise.

Mr. MANN. The gentleman asks to have it referred to the Committee on Insular Affairs?

Mr. GARRETT of Tennessee. Yes.

Mr. MANN. If it has already passed the House, there is nothing to refer. After the House has acted on a resolution and passed it, there is nothing for the House upon which to act further. The House has no jurisdiction over it. The papers are not in the possession of the House.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, it can not be done.

The SPEAKER. Does the gentleman from Illinois object?

Mr. MANN. I object, Mr. Speaker; but the Chair ought not to entertain a request of that sort. The matter is not before the House.

The SPEAKER. The Chair did not know a thing about the resolution.

Mr. MANN. The gentleman from Tennessee ought not to make the request. The papers are not in the possession of the House. The gentleman picks up a printed copy of something, where the Printing Office or the printing clerk or some one has made a mistake, a very natural error under the circumstances; but the papers, the engrossed copy of the resolution, are in the possession of the Senate, and we can not act upon it without possession of the papers. We have no power over it.

The SPEAKER. The Chair agrees with the gentleman from Illinois, and the Chair suggests to all Members that when they have matters of this kind they should give the Chair a copy so that he may have opportunity to examine the matter.

Mr. GARRETT of Tennessee. I made the request many days ago.

The SPEAKER. The Chair is not referring particularly to the gentleman from Tennessee, but is making the suggestion to all Members.

#### SANATORIUM FOR DISCHARGED SOLDIERS AND SAILORS.

Mr. CLARK of Florida. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 12917), to provide for the establishment of a sanatorium for the treatment of persons discharged from the military and naval forces of the United States, and for other purposes.

Mr. WALSH rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. WALSH. To make a parliamentary inquiry. I desire to ask under the rule who will be in control of the extra hour which is provided for. As I understand it, the gentleman from Florida [Mr. CLARK] is entitled to an hour in charge of the bill. Who will have charge of the time in opposition to the bill?

Mr. CLARK of Florida. Mr. Speaker, the rule as I understand it does not provide—

Mr. WALSH. I am asking the Chair, if the Chair pleases.

The SPEAKER. If the Chair had an opinion on it, he would state it. The practice has been that the ranking member on the committee that is against it has charge of it. So far as the Chair knows that has been the universal practice here.

Mr. WALSH. But when there is no member of the committee opposed, who will have charge?

The SPEAKER. The Chair thinks he would recognize the gentleman from Illinois.



Mr. WALSH. Who?

The SPEAKER. The Chair thinks he would recognize the gentleman from Illinois [Mr. MANN], who is the ranking Republican on that side.

Mr. CLARK of Florida. Mr. Speaker, may I make this suggestion? I notice on the recapitulation of the vote that the gentleman from New York [Mr. DUNN] is recorded as having voted against the rule. Mr. DUNN is a member of the committee and opposed to the bill.

The SPEAKER. The practice has been this, that the ranking minority member, if he is opposed to it, takes charge, and if he is not it goes down the line, and if nobody on that committee is here, if the Chair were going to preside over the committee, he would recognize the gentleman from Illinois. The question is on going into the Committee of the Whole House on the state of the Union.

The question was taken, and the Speaker announced the ayes seemed to have it.

Mr. MADDEN. Division, Mr. Speaker.

The SPEAKER. The gentleman will have to get up.

Mr. MADDEN. Mr. Speaker, I will get up and ask a division.

The SPEAKER. The gentleman from Illinois demands a division.

The House divided; and there were—ayes 68, noes 88.

Mr. CLARK of Florida. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Florida demands the yeas and nays. Those in favor of the yeas and nays will rise and stand until they are counted. [After counting.] Fifty-five gentlemen have arisen, a sufficient number, and the Clerk will call the roll.

The question was taken; and there were—yeas 148, nays 140, answered "present" 3, not voting 142, as follows:

## YEAS—148.

|                |                 |               |                 |
|----------------|-----------------|---------------|-----------------|
| Alexander      | Dewalt          | Jacoway       | Romjue          |
| Almon          | Dickinson       | Johnson, Ky.  | Rouse           |
| Ashbrook       | Dill            | Jones         | Rubey           |
| Aswell         | Dixon           | Keating       | Sabath          |
| Austin         | Dominick        | Kincheloe     | Saunders, Va.   |
| Ayres          | Doolittle       | King          | Scully          |
| Bankhead       | Doremus         | Kitchin       | Shackleford     |
| Barkley        | Doughton        | Lea, Cal.     | Shallenberger   |
| Barnhart       | Drane           | Lee, Ga.      | Sherley         |
| Beakes         | Eagan           | Leshner       | Sherwood        |
| Bell           | Eagle           | Linthicum     | Sims            |
| Black          | Evans           | Lobeck        | Slayden         |
| Bland, Va.     | Fields          | London        | Small           |
| Blanton        | Fisher          | Lundeen       | Snook           |
| Booher         | Foster          | McAndrews     | Steagall        |
| Borland        | French          | McKeown       | Steele          |
| Brand          | Gallagher       | McLemore      | Stephens, Nebr. |
| Brodbeck       | Gard            | Mansfield     | Sterling        |
| Buchanan       | Garner          | Martin        | Summers         |
| Burnett        | Garrett, Tenn.  | Mays          | Tague           |
| Byrns, Tenn.   | Glass           | Montague      | Taylor, Ark.    |
| Caldwell       | Goodwin, Ark.   | Morgan        | Taylor, Colo.   |
| Campbell, Pa.  | Gordon          | Oldfield      | Thompson        |
| Candler, Miss. | Gray, Ala.      | Oliver, Ala.  | Tillman         |
| Cantrill       | Gregg           | Oliver, N. Y. | Van Dyke        |
| Caraway        | Griffin         | Overmyer      | Vinson          |
| Carew          | Hardy           | Overstreet    | Walton          |
| Cary           | Harrison, Miss. | Padgett       | Watkins         |
| Clark, Fla.    | Heflin          | Park          | Watson, Va.     |
| Claypool       | Helvering       | Phelan        | Weaver          |
| Cleary         | Hilliard        | Polk          | Webb            |
| Coady          | Hollingsworth   | Pou           | Wolfe           |
| Collier        | Houston         | Quin          | White, Ohio     |
| Davey          | Huddleston      | Rainey, H. T. | Wilson, La.     |
| Delaney        | Hull, Tenn.     | Randall       | Wingo           |
| Dent           | Humphreys       | Rayburn       | Wright          |
| Denton         | Igoe            | Robinson      | Young, Tex.     |

## NAYS—140.

|                 |                  |                   |                |
|-----------------|------------------|-------------------|----------------|
| Anderson        | Elliott          | Kelley, Mich.     | Mott           |
| Baer            | Esch             | Kennedy, Iowa     | Nichols, Mich. |
| Birch           | Essen            | Kinkaid           | Osborne        |
| Bland, Ind.     | Fairchild, B. L. | Knutson           | Paige          |
| Bowers          | Fairfield        | Kraus             | Parker, N. J.  |
| Britten         | Farr             | La Pollette       | Parker, N. Y.  |
| Browne          | Fordney          | La Guardia        | Peters         |
| Browning        | Foss             | Lampert           | Platt          |
| Burroughs       | Frear            | Leibach           | Pratt          |
| Butler          | Fuller, Ill.     | Little            | Purnell        |
| Cannon          | Gillett          | Longworth         | Ramsey         |
| Chandler, N. Y. | Glynn            | Lufkin            | Rankin         |
| Chandler, Okla. | Good             | McArthur          | Reavis         |
| Clark, Pa.      | Gould            | McCulloch         | Reed           |
| Classon         | Graham, Ill.     | McFadden          | Robbins        |
| Cooper, Ohio    | Graham, Pa.      | McKenzie          | Rodenberg      |
| Cooper, W. Va.  | Green, Iowa      | McKinley          | Rogers         |
| Cooper, Wis.    | Greene, Mass.    | McLaughlin, Mich. | Rose           |
| Currie, Mich.   | Griest           | Madden            | Rowe           |
| Curry, Cal.     | Hadley           | Magee             | Sanders, Ind.  |
| Dallinger       | Hamilton, Mich.  | Mann              | Schall         |
| Darrow          | Hawley           | Mapes             | Scott, Iowa    |
| Denison         | Heaton           | Miller, Minn.     | Sells          |
| Dillon          | Hersey           | Miller, Wash.     | Siegel         |
| Dowell          | Hicks            | Mondell           | Sinnott        |
| Drukker         | Hutchinson       | Moore, Pa.        | Sloan          |
| Eyder           | Ireans           | Moore, Ind.       | Smith, Idaho   |
| Edmonds         |                  | Morin             | Smith, Mich.   |

Snell  
Snyder  
Stafford  
Steenerson  
Stiness  
Strong  
Sweet

Swift  
Switzer  
Temple  
Timberlake  
Tinkham  
Vare  
Vestal

Volstead  
Walsh  
Ward  
Wason  
Watson, Pa.  
Wheeler  
White, Me.

Williams  
Wilson, Ill.  
Winslow  
Wood, Ind.  
Woodyard  
Young, N. Dak.  
Zihlman

## ANSWERED "PRESENT"—3.

Bacharach

Johnson, Wash. Kreider

## NOT VOTING—142.

Anthony  
Benson  
Beshlin  
Blackmon  
Brumbaugh  
Byrnes, S. C.  
Campbell, Kans.  
Carlin  
Carter, Mass.  
Carter, Okla.  
Church  
Connally, Tex.  
Connally, Kans.  
Copley  
Costello  
Cox  
Crago  
Cramton  
Crisp  
Crosier  
Dale, N. Y.  
Dale, Vt.  
Davis  
Decker  
Dempsey  
Dies  
Donovan  
Dooling  
Dunn  
Dupré  
Ellsworth  
Elston  
Emerson  
Estopinal  
Fairchild, G. W.  
Ferris

Fess  
Flood  
Flynn  
Focht  
Francis  
Freeman  
Fuller, Mass.  
Gallivan  
Gandy  
Garland  
Garrett, Tex.  
Godwin, N. C.  
Goodall  
Gray, N. J.  
Greene, Vt.  
Hamill  
Hamilton, N. Y.  
Hamlin  
Harrison, Va.  
Haskell  
Hastings  
Haugen  
Hayden  
Hayes  
Heintz  
Helm  
Hensley  
Holland  
Hood  
Howard  
Hull, Iowa  
Husted  
James  
Johnson, S. Dak.  
Juul  
Kahn

Kehoe  
Kelly, Pa.  
Kennedy, R. I.  
Kettner  
Key, Ohio  
Kless, Pa.  
Langley  
Larsen  
Lazaro  
Lever  
Littlepage  
Loneragan  
Lunn  
McClintic  
McCormick  
McLaughlin, Pa.  
Maher  
Mason  
Merritt  
Moon  
Mudd  
Neely  
Nelson, A. P.  
Nelson, J. M.  
Nicholls, S. C.  
Nolan  
Norton  
Olney  
O'Shaunessy  
Porter  
Powers  
Price  
Ragsdale  
Rainey, J. W.  
Raker  
Ramseyer

The Clerk announced the following additional pairs:

On this roll call:

Mr. HELM (for) with Mr. DALE of Vermont (against).

Mr. BLACKMON (for) with Mr. SWIFT (against).

Mr. SHACKLEFORD. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman listening when his name was called?

Mr. SHACKLEFORD. I was listening when my name was called, but I did not hear it.

The name of Mr. SHACKLEFORD was called, and he answered "aye."

Mr. MADDEN. Mr. Speaker, the gentleman from Missouri just came in the Hall, did he not?

Mr. FOSTER. If he had not been here the Speaker would not let him vote.

The SPEAKER. The gentleman from Missouri was here and has been here all day.

Mr. FLOOD. Mr. Speaker, I would like to vote, but I do not know whether I did vote or not.

The SPEAKER. The gentleman is not recorded. Was the gentleman in the Hall listening?

Mr. FLOOD. I reckon not.

The SPEAKER. Then the gentleman can not vote.

Mr. CROSSER. Mr. Speaker, I do not know whether I was here when my name was called or not.

The SPEAKER. Then the gentleman can not vote.

Mr. CROSSER. I have been here a good part of the time.

The SPEAKER. The gentleman has to qualify and say whether he was in the Hall listening or not.

Mr. CROSSER. I do not know whether I was or not; I would not lie about it.

Mr. GLASS. Mr. Speaker, I was in the Hall engaged in conversation and did not hear my name when it was called. Whether that is a qualification or not, the Speaker will have to decide.

The SPEAKER. It is a very close squeeze.

Mr. GLASS. I think I am entitled to vote.

Mr. MANN. Of course I know what the rule is, and of course the Speaker knows how it is construed. I think the gentleman ought to be required to state whether he was listening—in other words, at least that he was not intentionally not listening.

Mr. GLASS. I shall be very glad to state, Mr. Speaker, I had intended voting. I missed my name on the first roll call and hoped to hear it on the second roll call, but I was engaged in conversation with a colleague and did not hear it.

Mr. MANN. If the gentleman was in the Hall expecting to vote, and listening in the way we listen in the Hall, I think the gentleman ought to state that.

Mr. GLASS. Well, I do state that. I was listening, just about as we are in the habit of listening.

The SPEAKER. I think the gentleman is entitled to vote.

The name of Mr. GLASS was called, and he voted "Yea."

The result of the vote was announced as above recorded.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12917, with Mr. FOSTER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12917, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 12917) to provide for the establishment of a sanatorium for the treatment of persons discharged from the military and naval forces of the United States, and for other purposes.

Mr. CLARK of Florida. Mr. Chairman, I ask unanimous consent that the first reading of the bill may be dispensed with.

The CHAIRMAN. The gentleman from Florida asks unanimous consent that the first reading of the bill may be dispensed with. Is there objection?

Mr. WALSH. Mr. Chairman, I think it ought to be read. It is only a short bill.

The Clerk read as follows:

*Be it enacted, etc.,* That the United States is authorized to acquire by gift a tract of land suitable for the purpose of not less than 1,000 acres in or adjacent to the city of Dawson Springs, Hopkins County, Ky., or in Caldwell County, Ky., adjacent to the city of Dawson Springs, Ky., or in Christian County, Ky., adjacent to the city of Dawson Springs, Ky., for the purpose of erecting a sanatorium for the treatment of persons discharged from the military and naval forces of the United States and persons who are now or hereafter may be beneficiaries of the United States Public Health Service; such sanatorium to be of a capacity of not less than 500 beds. There is hereby appropriated the sum of \$1,500,000 out of any moneys in the Treasury not otherwise appropriated for the construction of such sanatorium, including the necessary buildings with their appropriate mechanical equipment and approach work and roads leading thereto, for the accommodation of patients, officers, nurses, attendants, storage, laundries, and live stock, with all necessary furniture and equipment for the above; and an additional sum of \$350,000 is hereby appropriated for operation and maintenance of the same for the fiscal year ending June 30, 1920.

In carrying the foregoing appropriations into effect the Secretary of the Treasury may purchase materials and labor in open market or otherwise and employ laborers and mechanics for the construction of such buildings and their equipment as in his judgment shall best meet the public exigencies within the limits of this appropriation.

And the Secretary of the Treasury is hereby authorized, in his discretion, to employ for service within or without the District of Columbia, without regard to civil-service laws, rules, and regulations, and to pay from the sums hereby authorized at customary rates of compensation of such additional technical and clerical services as may be necessary exclusively to aid in the preparation of the drawings and specifications for the above-mentioned objects and the supervision of the execution thereof, and for traveling expenses incident thereto, at a total of cost for such additional technical and clerical services and traveling expenses of not exceeding \$33,000 of the above-mentioned limit of cost.

Said sanatorium shall be under the jurisdiction of the Secretary of the Treasury and operated under the direction of the Surgeon General of the United States Public Health Service.

The CHAIRMAN. The Clerk will report the committee amendments.

Mr. CLARK of Florida. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CLARK of Florida. Is it necessary to read the proposed committee amendments now? This is the first reading of the bill, Mr. Chairman.

The CHAIRMAN. The Chair thinks that the bill is before the House for consideration and that the whole bill as proposed should be read. The Clerk will proceed.

The Clerk reported the following committee amendments:

Page 2, lines 4 and 5, strike out the words "there is hereby appropriated the" and insert the words "the sum of \$1,500,000."

Page 2, lines 5 and 6, strike out "out of any moneys in the Treasury not otherwise appropriated" and insert "is hereby authorized."

Page 2, line 13, strike out the word "appropriated" and insert the word "authorized."

Page 2, lines 16 to 21, inclusive, strike out the following: "In carrying the foregoing appropriations into effect the Secretary of the Treasury may purchase materials and labor in open market or otherwise and employ laborers and mechanics for the construction of such buildings and their equipment as in his judgment shall best meet the public exigencies within the limits of this appropriation," and insert in lieu thereof: "In carrying the foregoing authorization into effect the Secretary of the Treasury is authorized to enter into contract for such construction, equipment, and so forth, or to purchase materials and employ laborers and mechanics, and construct, equip, and so forth, said sanatorium, and so forth, as in his judgment shall best meet the public exigencies within the limits of this authorization."

The CHAIRMAN. The gentleman from Florida [Mr. CLARK] is entitled to one hour.

Mr. MADDEN. Mr. Chairman, I was going to ask the gentleman from Florida if he would object to answering a question.

Mr. CLARK of Florida. I am not going to address the committee now, I will say to the gentleman.

Mr. MADDEN. I thought maybe, as chairman of the committee, he might have information that any person else would not have.

Mr. CLARK of Florida. Go ahead. What is it?

Mr. MADDEN. I was going to ask—

Mr. GARRETT of Tennessee. Mr. Chairman, who has been recognized?

The CHAIRMAN. The gentleman from Florida [Mr. CLARK], the chairman of the committee, has been recognized for one hour.

Mr. MADDEN. I was going to ask the gentleman from Florida if he would be kind enough to tell the committee what is meant, on the twenty-fourth line, on page 2, by "equipment, and so forth."

Mr. CLARK of Florida. Mr. Chairman, I will try to explain that when I come to make my remarks, but I do not care to do it right now, because I am going to yield the floor to some one else.

Mr. MADDEN. The gentleman does not care to tell what that means?

Mr. CLARK of Florida. Not until I get the floor in my own time. I would like to inquire who has the time on the other side of the House?

The CHAIRMAN. The Chair begs to state that if the ranking member of the committee was present he would feel that he ought to be recognized. No one has yet asked for recognition, but the Chair observes that the gentleman from Michigan [Mr. SMITH] is present, a member of the committee, and he would recognize the gentleman from Michigan.

Mr. SMITH of Michigan. If the Chair please, the gentleman from Tennessee [Mr. AUSTIN] is the ranking member, but he is not here, and neither is the gentleman from Kentucky [Mr. LANGLEY], and therefore I am the next in line.

The CHAIRMAN. The Chair so understands.

Mr. SMITH of Michigan. I would like to inquire how long a time would be allotted to this side?

The CHAIRMAN. The gentleman would be recognized for one hour.

Mr. CLARK of Florida. Mr. Chairman, I yield 10 minutes to the gentleman from Kentucky [Mr. CANTRILL].

Mr. CANTRILL. Mr. Chairman and gentlemen of the committee, in the brief time allotted to me to discuss this bill I wish to say at the outset that there is no one in the House who is more in favor than I am of curtailing all expenditures that it is possible to curtail since the signing of the armistice. But the signing of the armistice has nothing to do whatever with this piece of legislation, from the fact that the sanatorium proposed in this bill is to take care of men who have already been discharged from the military and naval forces of the country, and there is a moral obligation resting upon the Government of the United States, based on legislation which Congress has already enacted, to take care of these men. I take it that there is practically no opposition in the House to the general scheme and to the general plan that men who have been discharged from the service should be cared for by the Government under the terms of the war-risk insurance act. We are obliged to do that. The whole thing resolves itself, as I see it, into the proposition as to whether or not the Members of the House think it best now, on the urgent advice of the Public Health Service, on the urgent advice of the Treasury Department, to make a beginning on the general scheme which I am sure every Member of Congress is heartily in favor of.

Now, in answer to certain criticisms which came up during the discussion of the rule, the facts in the case, so far as this case now before us is concerned, are these: This bill was first considered before the Committee on Public Buildings and Grounds. I happen to be a member of that committee, and I heard in full the detailed arguments that were had before that committee. The bill was gone into carefully and thoroughly. The report which was filed by the Committee on Public Buildings and Grounds has been before the House for several months, and I am sure that if the gentlemen who criticized the action of the Committee on Rules this morning in presenting the rule had taken the time to read this report they would not have made the criticism that they made, to the effect that this legislation has not been carefully considered. As a matter of fact, it has been very carefully considered by the Committee on Public Buildings and Grounds, and for the information of the House I beg to say that it was the unanimous opinion of the Committee on Public Buildings and Grounds that this bill should be enacted into law. There was not a single dissenting voice in the Committee on Public Buildings and Grounds against the passage of this bill. There is no minority report pending before the House, and I am sure



that if gentlemen on the Public Buildings and Grounds Committee had been opposed to the measure naturally they would have presented a minority report to the House. There was a full membership of that committee of 21 members. My recollection is that practically every member of the committee was present when the evidence was taken and the hearings were had on the bill, and that committee, after full investigation and careful consideration, recommends to the House the passage of this measure.

In addition to that, I am very frank to say, without criticizing at all the action of some gentlemen on the Committee on Public Buildings and Grounds in voting against the consideration of this measure at this time and voting against the rule, that the chairman of the Committee on Public Buildings and Grounds, upon the evidence and unanimous report of the committee, was instructed to appear before the Committee on Rules and ask for a rule to expedite the passage of this bill. In accordance with that order from the Committee on Public Buildings and Grounds, the chairman of that committee, the gentleman from Florida [Mr. CLARK], appeared before the Committee on Rules, of which I also happen to be a member, and asked for the rule; and the Committee on Rules, contrary to its usual custom, had a complete and full hearing before the Committee on Rules on the merits of this proposition. There was no opposition in the Committee on Rules to the request for a rule, because, if you gentlemen will recall, when the rule was before the House this morning, the gentleman representing the minority side of the House made no fight against the adoption of the rule; and if I recall correctly they did not vote against the adoption of the rule. So that as a matter of fact this bill has had careful consideration by two committees of the House, namely, the Committee on Public Buildings and Grounds and the Committee on Rules, and the latter committee, after a hearing of the merits of the case, unanimously reported a rule to the House.

I make this statement as to the action of the two committees because I happen to be on both and heard the hearings in both committees, and I simply present those facts for the consideration of the House to show that the bill has indeed had careful consideration, and I make that statement in answer to the criticism of gentlemen on the floor of the House who have said, under a mistaken idea, that the bill did not have proper consideration.

Now, I am frank to say to you, gentlemen of the committee, that the gentleman from Wyoming [Mr. MONDELL], when the rule was under consideration this morning—and I think the gentleman from Wyoming has raised a point which I would commend to the favorable consideration of the committee when it takes the bill up under the five-minute rule—called attention to what was purely an oversight, I am sure, on the part of the committee in not incorporating that feature in the bill, namely, that if this sanatorium is built, this piece of legislation should provide that a supply of water from these noted springs should be furnished to the sanatorium. Some provision should be made so as to make it obligatory upon the people who are to give this land, which I will explain later, to furnish a supply of medicinal water, for which these springs are noted.

Now, gentlemen, as a matter of fact, we all know that these sanatoriums have to be built, and, as I stated, the signing of the armistice has nothing whatever to do with this piece of legislation. There has already been placed upon the Public Health Service, whose business it is under previous legislation, enacted unanimously I believe by this Congress, the duty of taking care of these disabled men. There are, according to the report made several months ago, 14,000 such men who are suffering from tuberculosis. As a matter of fact, within another year we are informed that we can safely count, I am sorry to say, on probably 30,000 men taken out of the service who will have been broken down under military discipline and whose constitutions will have given way and who will have become infected with tuberculosis and discharged from the service.

Now, it is true that this is but the beginning. But I make this appeal to the House: We have to begin at some time, and this particular project has, upon the initiative of the Public Health Service—not upon the initiative of any member of the Kentucky delegation, but upon the initiative of the Public Health Service—after a careful survey of the United States, been taken up in order to make a start, and that service has picked out this place. Upon expert advice the committees I have referred to have recommended this place as a good place in which to make that start in the beginning of these sanatoriums.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. CANTRILL. Yes.

Mr. LONGWORTH. The gentleman has stated that this is just a beginning, and that probably very shortly we will have

to provide for 30,000 men. According to the bill the cost for each man would be \$3,000. Does the gentleman mean to say that this is the beginning of a \$90,000,000 project?

Mr. CANTRILL. I mean to say this to the gentleman, that as I recall the testimony before our committee—and that very point was raised by members of the committee—the experts whose business it has been to build hospitals for the United States, the military and naval authorities, as I recall—and if I am wrong I trust that some member of the committee will correct me—said that, taking into consideration the full equipment and construction of a complete hospital, it takes practically \$3,000 per bed to complete an up-to-date, modern hospital; and I know that the gentleman from Ohio—

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. CLARK of Florida. Mr. Chairman, I yield five minutes more to the gentleman.

The CHAIRMAN. The gentleman from Kentucky is recognized for five minutes more.

Mr. CANTRILL. I know that the gentleman from Ohio will agree with me in stating that we should give these men the very best hospital attention that is necessary.

Mr. LONGWORTH. I agree with the gentleman entirely that something must be done; but why not start with a comprehensive scheme rather than piecemeal? And, furthermore—

Mr. CANTRILL. My time is very limited and I have some other important facts connected with this which I wish to state; but in answer to the gentleman I will say this, that in order to take up a comprehensive program—of which I am heartily in favor—it would take weeks and weeks. But this particular place, because of its location, because of its climate, because of the wonderful medicinal powers of its waters, has been recommended by the medical experts of the Government as an ideal place to build a sanatorium.

Mr. LONGWORTH. Will the gentleman yield at that point?

Mr. CANTRILL. Make it brief, please, because I have some other matters which I wish to state.

Mr. LONGWORTH. I will. The gentleman has alluded to the wonderful medicinal properties of the waters there; but he will certainly admit that the medicinal properties of the waters there can be of no benefit to patients suffering from tuberculosis.

Mr. CANTRILL. I frankly admit that, but in answer to the gentleman from Ohio, let me read the statement of Dr. Banks in the hearings. The gentleman would have noticed that statement if he had read the hearings. Dr. Banks is at the head of the Public Health Service. He testified as follows:

It was thought that the peculiar situation of Dawson Springs in connection with the water there was such that it could be utilized for the treatment of certain types of chronic diseases for which that water would be very efficacious. My original idea was to limit it to a tuberculosis hospital, but I think the officials of the United States Public Health Service thought there would probably be a sufficient amount of land there to add other units for the treatment of certain types of kidney disease and diseases of joints, rheumatism, etc.

That is a complete answer to the gentleman from Ohio.

Mr. LONGWORTH. Then I understand the gentleman to say that this is not only the beginning of a particular scheme, but the beginning of a scheme to spend millions more at Dawson Springs?

Mr. CANTRILL. So far as I am concerned, as a member of the committee which had charge of this bill, it makes no difference to me if it does take millions or tens of millions of dollars. I am willing to vote for the appropriation of it to take care of these men who have lost their health in the service of their country and in defense of our flag. The matter of dollars and cents cuts no figure whatever with me upon this proposition. This has been recommended by your committee; it has been recommended by the experts of the department whose business it is to carry out the program which you have already demanded in previous legislation.

Mr. WALSH rose.

Mr. CANTRILL. Before the gentleman from Massachusetts asks me a question, let me make this statement in further answer as to this particular location: Let me say to the House that the citizens of Dawson Springs are the only people, so far as our committee knows, who have appeared before Congress and offered to donate to the United States Government from 1,000 to 10,000 acres, if necessary, for the location of this hospital. That is another reason why it appealed to the committee. There are 10,000 acres of land immediately surrounding these springs upon which the corporation operating the springs hold options. They are willing to close those options, to buy the 10,000 acres of land, and make a gift of it to the United States Government. If the gentleman will read the bill, it is to authorize the United States Government to accept this land as a

gift, not to authorize the payment of money to the corporation which owns these springs. There is no other locality in the United States which has made a similar offer, and it seems to me that it is the part of wisdom for Congress to accept that proposition. Now I will yield to the gentleman from Massachusetts, if I have the time.

Mr. WALSH. If what the gentleman says is true, why not authorize the erection of a sanatorium down there at Dawson Springs to take care of all these men instead of 500 of them?

Mr. CANTRILL. I can answer that question easily. If the gentleman will read the hearings—

Mr. WALSH. I have read the hearings.

Mr. CANTRILL. Evidently the gentleman has not read the report.

Mr. WALSH. I have read the report of the committee.

Mr. CANTRILL. The experts of the Public Health Service have testified that it is proposed to scatter these sanatoriums all over the United States, not to take a sick man from Maine to Kentucky—

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANTRILL. I should like just a few minutes more to answer that question.

Mr. CLARK of Florida. I yield to the gentleman five minutes more.

Mr. CANTRILL. It is not a good idea to take a man from Maine and send him to Kentucky or to Arizona or to California. It is too far away from home. Men suffering from tuberculosis in many cases are able to move about. They can go to the springs and stay a while, and then go back home and visit their people. It is best for them to go and come, and that is the intention, and I am heartily in favor of it—to establish sanatoriums in various parts of the country so that men can go and come and be close to their homes and their people, where their home folks can come and see them when they are in the hospital, and where they can go home. That is a direct answer to the question of the gentleman from Massachusetts.

Mr. MADDEN. Will the gentleman yield?

Mr. CANTRILL. I yield to the gentleman from Illinois.

Mr. MADDEN. If the gentleman's statement is correct, that they want to distribute these sanatoriums all over the United States and that we have already enacted legislation authorizing the Public Health Service to establish sanatoriums, why is it not left to the Public Health Service to establish them instead of designating a particular spot where one particular sanatorium is to be established?

Mr. CANTRILL. Because, as I have stated, these experts who appeared before the committee have stated that this is an ideal location, and, in addition to that, it is the only location in the country where the citizens have been public spirited enough to give from 1,000 to 10,000 acres of land, if necessary, for the establishment of a sanatorium. That seems to me to answer the gentleman from Illinois.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. CANTRILL. I yield to the gentleman from New York.

Mr. LAGUARDIA. The gentleman stated that there were 10,000 acres of land available there. The bill provides that not less than 1,000 acres shall be taken as a gift. Now, what guaranty have we that after we get the first thousand acres we will not be compelled to buy the rest of it?

Mr. CANTRILL. It is provided that the Public Health Service is to say how much land is wanted, whether 1,000 acres or 10,000 acres, and whatever number of acres the Public Health Service says it wants these people will give that number of acres to the Government of the United States.

Now, one thing further, the location of this proposed sanatorium is in the center of the population, practically, of the United States. It is on or very near two great trunk lines going both east and west and north and south, and from a railroad point of view it is an ideal location. It is not in an out-of-the-way place. As to the climate, the Public Health Service has made a thorough investigation, and the report shows that, so far as the climate is concerned and the clearness of the weather, it is an ideal location.

Now, gentlemen, what objection can there be to it? You and others say we are all in favor of it, which I am sure is true; but why hold back a proposition that is for the immediate construction and which has behind it such favorable indorsement as this from the department of the Government whose business it is to take care of these disabled men? There is nothing which can be gained by postponement; in fact, from the standpoint of humanity, from the standpoint of our duty as legislators, it is our business, and it should be our pleasure, to immediately begin the construction, and I want to say to any gentleman on the floor of this House that when the Public Health Service recommends any location in any State in the

Union as an ideal place for the establishment of a sanatorium I will be heartily in favor of enacting that into legislation.

Mr. WATSON of Pennsylvania. Will the gentleman yield?

Mr. CANTRILL. I will.

Mr. WATSON of Pennsylvania. Do the proponents of this measure present the land in fee simple?

Mr. CANTRILL. Yes.

Mr. WATSON of Pennsylvania. Do they have any reservations in it?

Mr. CANTRILL. No.

Mr. MADDEN. Yes; they park it if they take it.

Mr. CANTRILL. The Secretary of the Treasury will see to it that they give the 10,000 acres of land, or whatever amount is necessary as passed upon by the Public Health Service, as a gift to the Government.

Mr. WATSON of Pennsylvania. They do not reserve the right to build a hotel on the property?

Mr. CANTRILL. Not on the property.

Mr. SMITH of Michigan. Mr. Chairman, I yield 10 minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, the bill before us provides for the establishment of a sanatorium for the treatment of persons discharged from the military and naval forces at or near Dawson Springs, Ky. Dawson Springs, Ky., may be a very proper location for such an institution. It may develop in the course of time that it is important and necessary that such an institution be established, but on examination of the present situation in the country I think we will find it very clearly demonstrated that an institution of that kind is not needed at the present time and may not be in the early future, because other and more speedy plans may be put in operation to care for the men in question.

This bill was introduced in a time of war and stress, when it was necessary to do things hurriedly and sometimes without proper consideration and without opportunity to consider all of the questions involved. But we have seen the coming of the dove of peace. We have come to the time of reconstruction, and it is necessary and important that every question coming before the House shall now be considered in view of the present conditions, with the view of legislating wisely and intelligently, everything considered.

We will care for the soldier boys. No one need have any doubt about that—all of them—those wounded and those afflicted in the service, and we will do it speedily and we will do it well, and there is no difference of opinion amongst the representatives of the American people on that proposition.

What is the situation? We have now in the general hospitals of the United States under the jurisdiction of the War Department 26,000 beds available for the use of the men recovering from wounds or disease. We have now in the camps and cantonments of the country 50,000 beds available for the use of soldiers suffering from wounds and disease. In addition to that we have recently taken over a number of hotels and sanatoriums heretofore under private control, with the expectation that we would need 100,000 hospital beds for our overseas forces if the war should continue.

Since this bill was introduced we have taken over a great sanatorium at West Baden, Ind., a splendid institution, having a capacity of 632 beds. The last report I have from West Baden, which I think was three or four days ago, shows that there were 18 patients there, so that now at West Baden we have 614 beds available. West Baden also has mineral springs very similar to those at Dawson Springs. There we have an institution built, equipped, running, and ready, and no men appearing to take advantage of the accommodations presented.

It is suggested that this institution should be for tubercular patients because of the presence of these curative waters. Who ever heard of sending a tubercular patient to Kentucky? When did tubercular patients get to moving in any direction except to the dry and elevated regions of the far West in the hope of recovery? Who ever heard of any kind of mineral waters being helpful in cases of tuberculosis? The cure of tuberculosis is effected by fresh air and lots of it, and most frequently in a dry, bracing climate. The right kind of diet helps, but not the waters of mineral springs.

Mr. DILLON. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. DILLON. Can the gentleman tell the committee what was the arrangement under which West Baden Springs were taken over?

Mr. MONDELL. I do not know except we have appropriated many hundred millions of dollars now available with the expectation that it would be necessary to provide 120,000 beds in addition to the 50,000 beds in the camps and cantonments. We know that the development, the purchase, and the taking over



of these institutions has reached a point where we now have some 26,000 beds in addition to the 600 beds available, empty, at West Baden that can be utilized at this moment. Just how many there are vacant of the 26,000 beds in the general hospitals I do not know, but undoubtedly there is a considerable number.

Mr. ELSTON. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. ELSTON. In the treatment of tubercular patients are the hospital facilities emphasized to any great extent, or are the facilities in the matter of comfortable living and fresh air and good diet the principal consideration?

Mr. MONDELL. The patient far gone with tuberculosis is sometimes given hospital treatment, but the proper and usual treatment for tuberculosis is a treatment of fresh air and good food.

Mr. ELSTON. And I would suggest that in connection with all of these cantonments there are auxiliary hospitals for the treatment of those afflicted with the disease where hospital treatment is necessary.

Mr. MONDELL. Yes. It is true that these general hospitals are not now available, and the cantonment hospitals are not now available for men discharged from the service, but they can be made available within 24 hours by the passage of a resolution. Within a short time it will be necessary to make them available so far as they can be spared from the needs of men in the service and are needed for men who have been discharged from the service. In addition to that, we could now turn over one, at least, of the National Soldiers' Homes, and probably two, to those uses and purposes; and those institutions are going; they are under way; they are provided for; the accommodations are all there.

Mr. GARD. Is there not a soldiers' home some place in the Dakotas?

Mr. MONDELL. Yes; there is a sanatorium at Hot Springs, S. Dak., and it is far from being filled to capacity at this time. A large number of these discharged soldiers could be received there and taken charge of at any time, and that South Dakota climate is a splendid climate for the care of tubercular patients, although it is not claimed that the hot water helps especially in that direction. The dry air does much. We must and we shall provide for the needs of the men discharged from the service who are suffering from various ailments. We have some accommodations for such men now, and the first thing to do is to turn over for the use of such men the accommodations now available and then enter upon a comprehensive plan for the future. This piecemeal proposal of legislation is not in the interest of the men needing treatment or of the people who pay the bills.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. SMITH of Michigan. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. WALSH].

Mr. WALSH. Mr. Chairman, I am opposed to this measure because at the present time the committee has under consideration a bill which is to provide for a general scheme for the care of discharged soldiers and sailors who may be afflicted with disease. That scheme does not contemplate erecting a sanatorium at one particular place. I do not know why the committee has not reported out that general bill, but it looks as though Kentucky wanted to make sure that she "got hers," and then the rest of the country might have the general legislation.

There is nothing in the hearings to disclose how many sites were visited by Mr. Perry, or Mr. Stimpson, or Col. Banks to ascertain where these available sites are that might be utilized for this sanatorium. If this is the one site in the entire United States for this sanatorium, why do they not provide for taking care of more than 500 at \$3,000 a bed? That is an exorbitant sum. They ask for the erection of a sanatorium, at a cost of \$1,500,000, which will only be a start for that particular site, and there is no necessity for that. Furthermore, we have authority given in various places to buy many sanatoriums which have been tendered to the Government, and which they have declined to take, which might be utilized. As has been pointed out, we have many hospitals that have been erected by the Surgeon General of the Army, which, after these men who have been called to the camps have been returned to their homes, can be easily adapted for this purpose. They contend in the report that the war-risk insurance act requires the Government to build these hospitals and these sanatoriums. This is the language of the war-risk insurance act:

In addition to the compensation above provided, the injured person shall be furnished by the United States such reasonable governmental medical, surgical, and hospital services, and with such supplies, including artificial limbs, and similar appliances, as the director may determine to be useful and reasonably necessary.

That does not require the erection of a vast chain of sanatoriums and hospitals and resting stations, particularly if we

have facilities already in being. The hearings will disclose that there are numerous hospitals and other places which might be easily converted to this use. We have appropriated in the various Army appropriation bills of recent years millions of dollars for hospitals and hospital supplies.

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. HARDY. Does the evidence show that the Government owns numerous hospitals or that it has the temporary use of them?

Mr. WALSH. The evidence in the hearings does not disclose any that they are using. But it discloses that there are hospitals that have been built under the appropriation for military purposes in connection with the erection of these cantonments.

Mr. HARDY. Are these temporary structures?

Mr. WALSH. Some of those are temporary, in the vicinity of camps, and others permanent. There are 37 of those in the United States.

Mr. HARDY. The reason I am asking is this: If we have a few temporary hospitals, or hospitals built for use just during the war, not owning the ground on which they stand, that certainly would not be a sufficient arrangement.

Mr. WALSH. I would say to the gentleman that there are 37 hospitals owned by the Government outside of these temporary structures at cantonments.

Mr. HARDY. Are these hospitals anything like competent and sufficient for the needs of the Government?

Mr. WALSH. They are being used by the Government for hospital purposes and these soldiers are being treated there, and I can not assume that the Surgeon General of the Army would put diseased and disabled soldiers in hospitals that are not suitable for the purpose.

Mr. HARDY. Will the gentleman permit a little further? Is it not altogether possible, and is it not true, that these hospitals were located with reference to cantonments and conveniences of the Army service and not for permanent use as hospitals?

Mr. WALSH. Well, it is, of course, entirely possible and most probable that if this bill is passed they will provide a sanatorium or a hospital at a cost far in excess of the cost of these 37 other institutions which have been taken over or erected by the Government and it will be up to date in every particular; but I submit if the Government has the facilities at hand now, adequate facilities, to take care of this, that there is no need in singling out one particular State to erect a sanatorium at a cost of \$1,500,000.

Mr. HARDY. On that question—

Mr. WALSH. The gentleman will appreciate that my time is running. I was about to say that we appropriated in the various Army bills for the Surgeon General vast sums of money. In the appropriation for 1918, under the Medical Department, in the share of the appropriation which might be utilized for hospitals, we made an appropriation of \$267,408,948. This general scheme in the general bill which has been introduced carries an appropriation of \$10,500,000, and it is notable that the general legislation which has been proposed is so framed as to take care of discharged disabled soldiers and sailors, patients of the War-Risk Bureau, whereas this Dawson Springs proposition is for the purpose of treating persons discharged from the military, and naval forces of the United States and persons who are now, or hereafter may be beneficiaries of the United States Public Health Service. I do not know under what legislation the Public Health Service was hitched up with the War-Risk Insurance Bureau in the treatment of these discharged and disabled soldiers and sailors, but it is certainly not under the authority of the act creating the War-Risk Insurance Bureau.

Mr. LONDON. Will the gentleman yield?

Mr. WALSH. I will.

Mr. LONDON. Does the testimony of the hearings disclose the presence of tubercular sanatoriums in Kentucky?

Mr. WALSH. I understand not. There is no sanatorium in Kentucky. There are some in several other places, but of course there is no other place in the country where the water is like that at Carlsbad, and that hitched up with the great number of tuberculosis-afflicted soldiers and sailors who are coming back makes Dawson Springs the one great center of the United States where must be assembled all these afflicted men. Now, we have all got sympathy for them, but if the advantages of this are so great, there ought not to be any other site considered. They ought to put all of this \$30,000,000 in sanatoriums there to take care of all of them, and in view of the fact we are to have a general scheme afterwards. I submit we ought not to pick out 500 or 600 of these disabled soldiers and sailors and say to them, "We will give you a chance to go to Dawson Springs, Ky., and drink freely of the Carlsbad water and we will let the other

27,500 soldiers wait until we have decided where these other sanatoriums should be." It will be just as easy to start the erection of these various hospitals at the same time, at these 15 or 20 places, the same as was done in the case of the cantonments, and have them all completed at the same time, so that these men might be given an opportunity to have this treatment simultaneously. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CLARK of Florida. Mr. Chairman, I yield 15 minutes to the gentleman from Kentucky [Mr. KINCHELOE].

Mr. KINCHELOE. Mr. Chairman and gentlemen of the committee, as it happens, and I presume unfortunately in view of the remarks of the gentleman from Massachusetts, Dawson Springs is in my district in Kentucky. The force of his argument is that he wants these hospitals, but from his provincialistic view he does not want one to go to Kentucky. I am going to be more generous with him than he is with me, and if this general scheme is adopted to erect these hospitals throughout the country, if the men in charge of the Public Health Service see fit to want one to go to Massachusetts, I think it ought to go there. The hospital spoken of by the gentleman from Wyoming [Mr. MONDELL] is under the supervision of the War Department. The reason Dawson Springs was selected by the Public Health Service was because of the fact that the business men in and surrounding that country offered to donate the land. Col. Banks was sent upon the initiative of the Bureau of Public Health and War-Risk Insurance, one of the most eminent surgeons in the country and one of the most eminent—

Mr. CANNON. Will the gentleman yield at that point?

Mr. KINCHELOE. Yes, sir.

Mr. CANNON. Dr. Blue is at the head of the Public Health Service.

Mr. KINCHELOE. Yes.

Mr. CANNON. Mr. Banks is connected with the Treasury Department, with the War-Risk Service, two entirely different services.

Mr. KINCHELOE. No; Col. Banks is also connected with the Public Health Service, the chief surgeon of the War-Risk Insurance Bureau, which is being administered under the supervision of the Bureau of Public Health.

Mr. GARD. If the gentleman will permit, the gentleman does not mean the place is selected because a number of business men want to give land to the Government—

Mr. KINCHELOE. No; I had not gotten through. Col. Banks went down there at the request of the Bureau of War-Risk Insurance. He came back and recommended this as the central hospital of this whole propaganda for several reasons—

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. KINCHELOE. I would like to make my statement—

Mr. GRAHAM of Illinois. It is right on that point.

Mr. KINCHELOE. The reasons that led them to decide on Dawson Springs were that it is not only within 40 miles of the center of population of the United States but the idea of establishing it at this place is that it has practically two trunk lines of railroad—the Illinois Central, running from Louisville to New Orleans, east and west, practically, and the main line of the Louisville & Nashville, from Chicago and St. Louis to Jacksonville. It is not to be altogether a tuberculosis hospital. It is for the discharged soldiers and sailors and other wards of the Government that may be upon the Bureau of Public Health and Bureau of War-Risk Insurance.

Mr. REAVIS. Will the gentleman yield there?

Mr. KINCHELOE. Yes, sir.

Mr. REAVIS. Is it the intention to put the tubercular patients in immediate association with patients who are not suffering from tuberculosis?

Mr. KINCHELOE. If the gentleman will read the hearings, he will see that the whole thing was thrashed out there.

Mr. REAVIS. I know it is not so stated in the hearings, but the gentleman just stated that it is not to be exclusively a tuberculosis hospital. Are you going to have the other patients associated with the tubercular patients?

Mr. KINCHELOE. They are to be segregated on different parts of the land. They claim they need a thousand acres to do it.

Mr. REAVIS. And there is to be more than one hospital constructed there?

Mr. KINCHELOE. More than one building; several of them.

Mr. GRAHAM of Illinois. In view of what the gentleman said, I would like to ask a question. You say that Col. Banks visited this at the request of Surg. Blue?

Mr. KINCHELOE. Yes, sir; and the Bureau of War-Risk Insurance.

Mr. GRAHAM of Illinois. In the hearings, on page 8, he states that he visited Dawson Springs at the suggestion of the War-Risk Insurance Bureau.

Mr. KINCHELOE. This feature is to be administered, as I understand, under the Public Health Service.

Mr. GRAHAM of Illinois. He went there at the request of the Director of the War-Risk Insurance Bureau?

Mr. KINCHELOE. I do not know. I think both.

Mr. GRAHAM of Illinois. He says that.

Mr. KINCHELOE. They say now that there is no need, since the armistice has been declared, for the erection of this hospital under this general propaganda that the two bureaus want. Here is a letter also from the Secretary of the Treasury, written to the Speaker of the House, which I want the Clerk to read in my time, making the appeal in view of the great necessity for the treatment of these discharged soldiers and sailors, and asking the Speaker not only to expedite this bill for Dawson Springs but the general propaganda that is before the Committee on Public Buildings and Grounds. And in my time I will ask the Clerk to read the letter.

The CHAIRMAN. Without objection, the Clerk will read.

The Clerk read as follows:

TREASURY DEPARTMENT,  
OFFICE OF THE SECRETARY,  
Washington, November 18, 1918.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES,  
Washington, D. C.

SIR: Pressing necessity of the utmost gravity impels me to invite your attention to two bills pending in Congress, to supply hospital accommodations for discharged sick and disabled soldiers and sailors, patients of the War-Risk Insurance Bureau, and others entitled to treatment by the Public Health Service of this department; namely, H. R. 12917, to provide certain hospital facilities at Dawson Springs, Ky., on land to be donated to the Government, and H. R. 13026, to provide like hospital accommodations at various points throughout the country. The former bill was introduced in the House on September 11, and on investigation by the Public Buildings and Grounds Committee was reported out, and subsequently made a special rule in Congress, that the greatest possible expedition might be given to the project, and at this writing I understand that the bill is only waiting for a quorum in the House to complete the legislation in that branch of Congress.

In my letter of September 20, transmitting a tentative draft of legislation which has since been given H. R. 13026, there was also transmitted a report from a committee appointed by the Secretary of War, the Secretary of the Navy, and myself, in which the statement was made that 13,000 beds would be required for these patients, and that the War and Navy Departments had made no provision for patients other than those of active forces, and therefore the War and Navy Departments had no beds available for patients of the War-Risk Insurance Bureau, and in addition thereto a memorandum from the Surgeon General of the Public Health Service of this department in which the statement is made that these beds would not be for temporary purposes, but will be needed for years to come, and that the estimated cost of supplying the number of beds required would be \$26,000,000 for hospital accommodations for soldiers and sailors suffering from tuberculosis.

In addition to these patients, I am advised in a letter dated October 26, from the chief medical advisor of the War-Risk Insurance Bureau, that the Surgeon General of the United States Army asked for some practical solution for supplying sanatoria for restorative or institutional treatment of persons discharged from the military and naval forces suffering from epilepsy, due to shell shock and other causes. The War Department is desirous of discharging these cases into the care of the War-Risk Insurance Bureau. In connection with these cases, it is estimated that accommodations for not less than 2,000 should be immediately provided for out of the funds carried in H. R. 13026.

The bills above referred to represent estimates for approximately 6,000 beds only, but it is of the utmost importance that this number be made available at the earliest possible moment. Since these estimates were transmitted to Congress an armistice has been declared and hostilities ceased, but while these are happy conditions, it has, as a matter of fact, foreshortened the day and hour when hospital accommodations must be made available, and has pressed home to me the tremendous responsibility of supplying accommodations for the sick and disabled discharged soldiers and sailors who will soon return from overseas in overwhelming numbers, and I can not too strongly urge upon you to exercise all your influence to translate the proposed legislation into law, as one of utmost importance, in order that the Government may carry out its part of its contract with the soldiers and sailors who have so magnificently carried out their entire contract with the Government, and to this end request that this legislation be made a special rule in the House in order that funds may be made immediately available for the purpose above stated.

Respectfully,

W. G. McAdoo, Secretary.

Mr. KINCHELOE. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has five minutes remaining.

Mr. LONGWORTH. Will the gentleman yield for just one question?

Mr. KINCHELOE. Yes, sir.

Mr. LONGWORTH. It has been repeatedly stated here that the real reason for the selection of this site was because certain business men had agreed to donate the land. Can the gentleman state what the land is worth per acre?

Mr. KINCHELOE. No, sir; I can not. That was the predominating reason for the Bureau of War-Risk Insurance sending Dr. Banks down there.

Mr. GOOD. Will the gentleman yield for a question regarding the bill?



Mr. KINCHELOE. The chairman explained that. I decline to yield.

Mr. CLARK of Florida. If the gentleman will permit me, the testimony was that it was worth between \$10 and \$100 an acre.

Mr. LONGWORTH. Somewhere between \$10 and \$100?

Mr. CLARK of Florida. Yes, sir.

Mr. LONGWORTH. And that is as near as this committee gets it?

Mr. KINCHELOE. And another reason that Dr. Banks favors Dawson Springs is that the weather records for the last 20 years show that there is 70 per cent sunshine there. It is a question of whether you are going to take care of soldiers and sailors of the Army and Navy who have rendered their services to the Government. I have a great regard for the gentleman from Massachusetts [Mr. WALSH], but I have a greater regard for the wisdom of the men on whose shoulders rests the responsibility of this matter. And here come the two letters and a letter to the Speaker of the House from the Secretary of the Treasury, who say that there is pressing need for it, and the question is whether you are going to take the word of the gentleman from Massachusetts or an eminent physician like Dr. Banks or an eminent physician like Surgeon General Blue and the letter of the Secretary of the Treasury, which says that our boys performed their duty and many of them lost their health. Here come the great bureaus of this Government, on whose shoulders rests the responsibility, and say that there is a pressing need. And it is so pressing that notwithstanding the armistice was declared in November the Secretary of the Treasury writes to the Speaker and makes an appeal to the American Congress to take care of these boys as late as November 18.

My recollection is that this general scheme carries an appropriation of about \$10,000,000. The gentleman from Massachusetts [Mr. WALSH] would have all these discharged soldiers and sailors go to Kentucky. Would you tell your discharged soldiers and sailors, who were discharged in Massachusetts, "Before you can be a recipient under the solemn contract which the American Congress made under this war-risk insurance law you have got to go to Kentucky to get it"? They recommended Dawson Springs because it is in the center of the central part of the country where they can go.

Mr. WALSH. Does the gentleman ask me that question?

Mr. KINCHELOE. Oh, well—

Mr. WALSH. You used the singular in speaking of "the gentleman from Massachusetts," and you pointed to me.

Mr. KINCHELOE. Yes; I will ask you that question. I ask you that question: Do you want your discharged boys to go to Kentucky?

Mr. WALSH. If this is going to be the only sanatorium that the Government is going to build, I certainly would.

Mr. KINCHELOE. Mr. Speaker, I do not yield further to the gentleman from Massachusetts.

Mr. WALSH. I thought the gentleman wanted me to answer.

Mr. KINCHELOE. No; I can not tell the gentleman from Massachusetts anything. He knows too much now. [Laughter.]

Mr. WALSH. I am willing to stand a test with the gentleman from Kentucky. [Laughter.]

Mr. KINCHELOE. I would not contest anything with the gentleman.

Now, gentlemen, under the provisions of the general bill that is now pending before the Committee on Public Buildings and Grounds, and I understand the committee met this morning and agreed to establish more of these hospitals in various parts of the United States, these unfortunate boys will not have to leave their homes so far that their relatives can not come to see them and visit them; and in view of the fact that this particular bill has a privileged status, to come in first, while these others will come on later, I say to you, gentlemen, that I will join you, as long as the Bureau of War-Risk Insurance and Public Health Service say it is necessary to appropriate millions of dollars to erect hospitals for these unfortunate boys, in locating them anywhere that will be best in the United States.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. KINCHELOE. Not right now. Now, as to the question of treating all these boys on their return, it is true there will be 30,000 of them, but, according to Gen. Banks's testimony, they will not all be the wards of the Government in this or any other hospital at the same time. They will come and go. For that reason it is believed that if this and the general bill become law, they will be able to take care of the entire 30,000 men by reason of the fact that they will come and go.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. KINCHELOE. So, gentlemen, I ask you, not from the sectional standpoint but for the benefit of these boys, many of whom have given their health and many of them their limbs to the service, that proper provision be made for their treatment as soon as they can get to it. [Applause.]

Mr. SMITH of Michigan. Mr. Chairman, I yield five minutes to the gentleman from Indiana [Mr. Wood].

The CHAIRMAN. The gentleman from Indiana is recognized for five minutes.

Mr. WOOD of Indiana. Mr. Chairman, if there is a pressing need for this hospital—and I dare say there is—and if there is a pressing need for it in the State of Kentucky—and I dare say, there is—it can be gotten more quickly than by building this proposed hospital at Dawson Springs. The climatic conditions at Camp Taylor are practically the same as those that exist at Dawson Springs. They have all the equipment, they have all the buildings, they have elegant drainage, and it is said to be one of the best cantonments in the United States, and it could be rearranged into a hospital for the one-hundredth part of what is proposed as the initial expense to start this institution down at Dawson Springs. [Applause.]

Here is another proposition: They are trying to obtain money here under a false pretense when they say that Dawson Springs is a good place for the treatment of tubercular patients. It is the last place on earth to which a person afflicted with tuberculosis ought to be sent. It is not more than 600 feet above sea level. They want to find a place for the treatment of tubercular patients where they have not only 75 per cent of clear days but where they have 365 days in the year that are sunshiny. You have places of that character that might be easily prepared for the treatment of tuberculosis. Go out to Deming, N. Mex., for instance, for a climate suitable for the treatment of tubercular patients—4,800 feet above the sea, dry air, and splendid climate, with a completed cantonment that could easily be converted into a sanatorium. In the State of Indiana there are two of the finest institutions in the world—one at West Baden and the other at French Lick, not more than a mile away—where they have just as good water as that at Dawson Springs, and not one kind but a dozen kinds of good water.

People go to those sanatoriums for all kinds of diseases, but those who are in charge of the medical staff, both at West Baden and at French Lick, advise their tubercular patients to get away from there as quickly as they can, because the climate there is not favorable to the treatment of tuberculosis. Indeed, I dare say there is not a reputable physician in the State of Kentucky who would advise a patient to go to Dawson Springs for the purpose of receiving treatment for tuberculosis, so that the attempt should not be made to obtain this hospital at Dawson Springs under a false pretense. If it is wanted because of the fact that there is urgent and immediate necessity for it, we should take and locate it where proper hospital facilities can be provided the quickest and with the least possible cost.

There is entirely too much of a tendency, now that we are in the habit of spending money, to take and spend it wherever proposals and offers are made, or to find them where none presents itself. Now that the war is over and the cantonments are being abandoned all over this country, they are proposing to spend \$2,500,000 for the purpose of building an 80-mile road at Camp Bragg, down in North Carolina, where there is no necessity for a cantonment and no necessity for a foot of road; and an advertisement is being carried now in the paper which is edited by Josephus Daniels, the Secretary of the Navy, calling for 12,000 men to build these 80 miles of road at an expenditure of \$2,500,000.

Gentlemen, there are plenty of places where money can be expended judiciously for the treatment of these young men who are afflicted with tuberculosis. Twice within the last month I have been called upon to get a soldier out of the hospital at Camp Taylor, in the State of Kentucky, a man who was dying from consumption, and when he had been recommended time and time again by the physicians at the base hospital at Camp Taylor for discharge so that his people could take him to Arizona, where he could be treated for the malady from which he was suffering.

Another case, if you please, was at Camp Gordon, where the climatic conditions for tubercular treatment are just as good as they are at Dawson Springs, where there was a young man with one lung almost gone. The physician treating him in the base hospital said he should be taken away from there as quickly as possible to a dry climate in the West, where perchance his life may be saved. It was only after long trials, and not until there was a direct order issued by The Adjutant General that an immediate discharge of this man be had, that it could be done. The gentlemen who are watching these patients who have tubercular troubles do not advise that they be kept in this climate.



They do not advise that they be kept in Camp Taylor, in the State of Kentucky, where the conditions are just as good for the treatment of tuberculosis as they are at Dawson Springs, but they do advise that they be taken away from there at the earliest possible moment and taken to some place where they can receive suitable treatment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMITH of Michigan. I yield five minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Chairman, when the President wrote that famous letter of his 10 days before the election he let down the bars to those who might properly criticize his administration. On the Republican side our lips had been sealed from the beginning of the war, though much legislation had been brought into this House which many of us were inclined to believe was not good legislation. There was extravagance in many of the bills brought in during the war. There may have been graft in some of those bills. Doubtless there was, but the lips of Republicans were sealed from their desire to uphold the hands of the Commander in Chief of the Army and Navy, who sanctioned these measures and said they were necessary for war purposes. But the President invited criticism when he wrote that famous preelection letter and pleaded for a Democratic Congress to uphold his hands. The people responded to his appeal, but not, perhaps, as was expected. They gave notice to the President that they wanted this Congress, made up of their Representatives, to speak their minds upon public questions, and especially upon the question of extravagance in expenditure. [Applause.]

Now Congress has reassembled. We had word from the "throne" yesterday, prior to the departure of the President on his European tour, that we must curtail expenditures, that we must relieve business of the heavy burden of taxes that the war had imposed upon it. Yet to-day, when the President's back is turned, our Democratic friends bring in a measure which proposes to take \$1,500,000 and more out of the Treasury to do what? To build a hospital, apart from any comprehensive war-relief scheme, apparently for the benefit of the people of Dawson Springs, and at the rate of \$3,000 per bed in that hospital. It seems as if the time had come for gentlemen who are opposed to waste and extravagance to speak out, and that if we are to follow the President's admonition to curtail our expenditures and reduce the taxes he insisted we should impose, this is the place to begin.

Gentlemen cavil about how this question of Dawson Springs arose. I have gone over the hearings and do not observe that the War Department or anybody else, except a mere bureau of the Government, has been very urgent as to the war necessity of this hospital. How did it arise? The eloquent gentleman from Kentucky [Mr. KINCHELOE], acting for certain citizens of Dawson Springs who had anywhere from 1,000 to 10,000 acres of land for which they did not have any special use, admitted in his statement before the committee that having heard that there were rumors that hospitals were to be erected he went to the War-Risk Bureau and suggested that Dawson Springs was a good place. Follow the hearings along and you will find that the bureau chiefs were induced to go to Dawson Springs, and as a result they said, "Yes, Dawson Springs would be a good place. They have fine water at Dawson Springs. They propose to give a thousand acres or more of land to the Government. They have coal in the vicinity, and they have building material near at hand. They have lumber there, and if the Government will spend a million and a half dollars at Dawson Springs we can buy the material and build a hospital."

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. GARRETT of Tennessee. Has the gentleman any suggestion to make as to some other place where we can begin to take care of these tubercular patients?

Mr. MOORE of Pennsylvania. Yes. Unfortunately, I have some knowledge of tuberculosis.

Mr. GARRETT of Tennessee. I mean has the gentleman any suggestion as to any other place?

Mr. MOORE of Pennsylvania. I have never heard that boiling springs or water of peculiar chemical properties or mineral qualities, such as is said to abound at Dawson Springs, has anything to do with the cure of tuberculosis. I think the gentleman from Kentucky [Mr. KINCHELOE] admitted that.

Mr. GARRETT of Tennessee. There is no claim that it has.

Mr. MOORE of Pennsylvania. But he sidestepped that and said it was the intention to build other buildings and to take care of other patients besides those with tuberculosis. Gentlemen, this is the time for us to criticize and, if need be, to stop these extravagant and wasteful appropriations. [Applause.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. SMITH of Michigan. I yield five minutes to the gentleman from Iowa [Mr. GOOD].

Mr. GOOD. Mr. Chairman, the war is over, but the patriots have not ceased their raids upon the Treasury, as is evidenced by this bill. We have a hospital in practically every cantonment in the United States, and we have a good many cantonments. We have a hospital in most every Army camp in the United States. We have added 37 Government-owned hospitals in the United States to take care of the boys who come back and need treatment at a hospital. We have appropriated hundreds of millions of dollars to take care of those boys, as has been instanced by the gentleman from Wyoming [Mr. MONDELL]. We have at West Baden, Ind., 632 beds for these boys and have only been able to find 18 boys to send there so far for treatment. And yet in the face of this you propose now to open the doors of the Treasury and appropriate \$1,850,000 to start to build a hospital in Kentucky. If started it will ultimately cost many million of dollars to complete. I anticipate, Mr. Chairman, that there is a little joker in this bill. Let me read you a part of this sentence, which describes the authority: "For the purpose of erecting a sanatorium for the treatment of persons discharged from the military and naval forces of the United States and persons who are now or hereafter may be beneficiaries of the United States Public Health Service." Ah, what you are trying to do here under the guise of patriotism is to get an appropriation of almost \$2,000,000 to make this a place, a great gathering place, where the Public Health Service can send its beneficiaries to Dawson Springs. Who are the beneficiaries of the Public Health Service? Has it any real limitations? The Government does not get the springs if this gift is accepted; it gets the mountain side close to the springs, and here will be congregated not our soldiers but the beneficiaries of the Public Health Service, whoever they are.

The gentleman speaks of more than 70 per cent of sunshine at Dawson Springs, Ky. What in the name of common sense will the moonshiners of Kentucky do in that locality if there is going to be 70 per cent of sunshine? [Laughter.]

Mr. Chairman, I have here an advertisement found in the paper of the Secretary of the Navy, Hon. Josephus Daniels, published three days after the armistice was signed, asking for 12,000 additional men to build a new Army cantonment, and I understand this work is still in progress at Fayetteville, N. C. Now, we are asked here to authorize the building of this sanatorium after the war is over and after it has been demonstrated that there is no need of hospitals in the United States at the present time to take care of our boys. In fact, it is shown we have more hospitals and more beds than there is any demand for from the Army.

We will take care of these boys and give them the best hospital treatment obtainable, but let us not try to put through a real estate transaction at this time when the Treasury can ill afford it under the guise of patriotism, under the guise of finding hospital service for boys who have performed a wonderful service over the seas. Do not get pork under the name of patriotism.

The report accompanying the bill states that this place was selected because it was on high ground with good drinking water, and because the land was good and fertile and was in close proximity to coal. All of these things are found in my own State, but I want to say that I do not believe my State is an ideal place in which to found a tuberculosis hospital. Heretofore we have sent tuberculous patients to high altitudes. We send the person afflicted with the dread disease to Arizona, New Mexico, Colorado, or California, but who ever went to Kentucky for a cure for tuberculosis? Only once have I heard of Kentucky offering a cure for tuberculosis and that was in regard to the cure advertised for tuberculous patients at Mammoth Cave. Little stone huts were constructed in the cave, and the scientists treated tuberculous patients for a short time; but after two or three weeks' treatment, when they found these patients were not gaining, they discharged them. When they left the cave and came out in this Kentucky sunshine they all died within 10 days. That is the record of Kentucky as offering a cure for tuberculosis, and I do not want the boys from my State to be forced to go to Kentucky for that kind of treatment. [Applause.]

Mr. SMITH of Michigan. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. LONGWORTH].

Mr. LONGWORTH. Mr. Chairman, in these days of billion-dollar appropriations this bill, which carries the sum of \$1,850,000, is not of itself so large as to shock our conscience. And yet gentlemen advocating it say that this is but the beginning of a great scheme for the foundation of tuberculosis hos-



pitals. The gentleman from Kentucky [Mr. CANTRELL] read from an official report where it was said that it was expected that within one year there would be 30,000 tubercular patients for which accommodations must be found. Let us see what sort of a sum we are going to run into before we get through with the program of which they say this bill is but the beginning. This bill provides for an expenditure at the rate of \$3,000 per man. They say that is the least that can be properly appropriated. Thirty thousand patients at \$3,000 per man amounts to \$90,000,000. This, then, is the beginning of a \$90,000,000 scheme. Furthermore, gentlemen have said that the purpose of this particular hospital is to accommodate not only tubercular patients but others. You can open the door to every kind of a patient, and who will say that this is not the beginning of a scheme to spend three or four or five hundred million dollars, and that without any serious consideration whatever?

I have nothing against the great State of Kentucky. It is a State neighboring and touching upon mine. I have passed many delightful hours in that great Commonwealth, but it has always struck me that it was a place for men with strong lungs and strong heads, and not for debilitated men with weak lungs. [Laughter.]

Who ever heard of Kentucky as a resort for tubercular patients? They say that this resort in the State of Kentucky is the only place where the people are patriotic enough to offer to give us from 1,000 to 10,000 acres for this purpose. I asked the gentleman residing in the district in which this hospital is to be placed how much that land is worth, and he said he has no idea, whereupon arises in his place the distinguished chairman of the Committee on Public Buildings and Grounds and says the testimony shows that the land is worth somewhere between \$10 and \$100 an acre. Now, that is very enlightening to this House. It shows the kind of consideration the committee gave this bill. If the reason for going to Dawson Springs is a matter of cost, the best information we can get is that this land is worth somewhere between \$10,000 and \$1,000,000. That is the asset the Government is going to receive—somewhere between \$10,000 and \$1,000,000. That is used as an argument to jam through without any real consideration at all an appropriation of \$1,850,000, conceded to be the beginning of a scheme which will cost before we are through somewhere possibly as much as a half a billion dollars.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. LONGWORTH. I will.

Mr. GARRETT of Tennessee. Do I understand from the gentleman's argument that he is opposed to making arrangements for the care of the soldiers who have been honorably discharged and who are suffering from disease contracted in the line of duty?

Mr. LONGWORTH. Of course the gentleman is to understand no such thing, and the gentleman does not understand it and can not understand it from a word that I have said by the most extravagant interpretation.

Mr. GARRETT of Tennessee. I wish to be entirely frank with the gentleman. It has been difficult for me to draw any other conclusion from the argument that he has just made, when he says that this is the starting of a scheme to cost \$500,000,000. It is my denseness, perhaps, not the lack of the gentleman's clearness.

Mr. LONGWORTH. The gentleman is anything but dense, and I know that the gentleman understood no such thing, because it was not possible for a gentleman with his acumen, exceeded by that of no man in the House, to put such a construction upon my remarks.

Mr. GARRETT of Tennessee. What does the gentleman suggest?

Mr. LONGWORTH. The gentleman suggests that on a matter of such immense importance as this the House should at least be favored with a comprehensive plan, involving as it does the expenditure of millions from the Treasury; and I will say this to the gentleman, that before long the expenditure of the funds of the Treasury will be in the hands and under the control of a party that will see that measures of this kind are not put through in this way. The gentleman will not find that party niggardly, certainly when it comes to the giving of aid and comfort to our soldiers, but he will find that party giving some real consideration to and exercising some sort of supervision over the expenditure of the funds belonging to the people of the United States.

Mr. SMITH of Michigan. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Chairman, of course everyone realizes that some provision must be made for the care of the men who are afflicted with disease as a result of their service in the Army, but everybody ought to realize also that there should

be no special favoritism practiced in the establishment of the facilities that are to be used for that purpose. There ought to be a comprehensive plan made by the Public Health Service which provides facilities not only for the 500 men who are proposed to be treated at Dawson Springs but for the other 29,500 men it is indicated will be similarly afflicted. There is no reason why, when we are making preparations for the care of those who have given themselves to the service of the country, we should confine our action to the mere care of 500 men; and there is no reason why we, in any event, should select the point at which they are to be cared for. We should give general authority to the Public Health Service to do the work of caring for these men and permit the Public Health Service to select the points and provide the means. I can not help but reach the conclusion that the corporation which owns these springs and proposes to turn this land over to the Government of the United States is engaged in an advertising scheme that will advance the value of the property which they already own. They say that the condition upon which they will turn this land over to the Government is that the Government shall create a park of the land which it acquires. The cost of creating a park would, no doubt, be enormous, but the value of that part of the land owned by the corporation upon which the springs are situated would be immense and it would advertise the waters owned by the corporation and undoubtedly yield fabulous profits for the money they already have invested there. There could be no better advertising scheme than to turn this land over to the Government of the United States. I admire the gall which they displayed in proposing to give the Government 10,000 acres of land in order that what they already own there outside of the 10,000 acres of land might become immensely valuable.

Mr. GREENE of Vermont. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. GREENE of Vermont. Does it not somehow suggest to the gentleman that it might be an instance similar to a friend giving you an elephant one day and you waking up the next morning to discover that he is in the hay business? [Laughter.]

Mr. MADDEN. It reminds me of the fellow who went out to Denver in the pioneer days and opened a bank. After he had the bank open and had obtained the deposits of all the people that lived in the territory he called a meeting of the creditors and said, "Gentlemen, the bank has failed; the money is gone. There is nothing I have to offer you but myself. You can do with me as you please." One man in the audience said, "Well, when you are cutting him up I want to speak for his gall." [Laughter.]

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. GARRETT of Tennessee. Mr. Chairman, the gentleman is always constructive and always fair. Would he be good enough to tell us just when he would be willing to begin the preparations for taking care of the soldiers who have suffered by reason of that service?

Mr. MADDEN. I think we should have begun before now. I think we should have had preparations made all over the United States, if that has not already been done. I would be opposed and I am opposed to the selection of any particular site by the Congress of the United States through a special act in order that some particular section of the United States may be favored and 500 men suffering from disease may be provided for while all others go unprovided for.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. SMITH of Michigan. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. LA GUARDIA]. [Applause.]

Mr. LA GUARDIA. Mr. Chairman, I want to say this to the gentleman having charge of this measure: Congress need not have so much concern about the American boys that are coming back. The American boys will look after Congress, and don't you forget it. It is rather late now to express all of this concern, and while the committee of merchants of the city of Dawson might have succeeded in putting it over on the distinguished doctor from the insurance department, you can not put it over on the sick boys, suffering with tuberculosis. The gentleman from Tennessee [Mr. GARRETT] asks repeatedly if we have anything in mind to suggest in place of the plan proposed in this bill. Yes; I have something in mind. If you are going to have a tuberculosis sanatorium, put it in a place of sufficient altitude, where climate and surroundings are conducive to improving the condition of the patients—places that are known to be ideal for such purposes.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. No; I refuse to yield—I have not had a word for 15 months. [Laughter.] Do not try an experiment upon our sick soldiers. Try it first on the natives of that district. Establish a little private sanatorium down there for tubercular patients, and if it works out, well and good; but do not try the experiment upon the American soldier. I am not a specialist on tuberculosis, but I do know you need more than good water to cure it.

I shall leave that phase of the question, but I did ask for time for one purpose, and I want to take the first opportunity I have had to express myself—and that is on the freedom of action of this body. If there was any doubt in my mind about this bill, I would have given the benefit of the doubt to the passage of the bill, but I shall refuse to vote for it after having heard the letter of the Secretary of the Treasury. We must serve notice now that we are tired of these departmental edicts, these bureaucratic decrees, and the executive bulls. [Applause on the Republican side.] Gentlemen, I had occasion to preach democracy in Europe; I at least am going to practice the same thing here. [Applause.] Yes; and this side of the House is as much to blame as the other side of the House. Whatever came here, everything that was asked, at the sound of the lash of the whip you passed it. If you wanted to help the American boys, why did you not send aeroplanes and motors when we needed them? Why did you not get the machine guns over when we needed them? Everybody voted for everything if a letter from one of the departments ordered it. We wonder why these new governments that are being created all over Europe adopt a new plan of government, why they do not adopt a representative form of government. Do you blame them if the greatest legislative body in the world, the American Congress, the representatives of the people, absolutely abdicates and sits idly and passively while department chiefs run the legislative branch of the Government? I for one shall use every dilatory tactic I know of every time that a department letter is offered to be read on the floor of this House for the purpose of coercing or forcing through a measure. It is time for the American Congress to get back into its own. It is time to exercise our constitutional duties and control our departments.

Mr. GARRETT of Tennessee. Will the gentleman object to any of the heads of departments testifying before committees?

Mr. LAGUARDIA. Certainly not; and stop there. I would stop there, however.

Mr. GARRETT of Tennessee. I always stop when the gentleman says stop.

Mr. LAGUARDIA. I did not mean it that way, and the gentleman knows that. I would stop after they had testified and the committee decides, with the approval of the House, of course, what is really needed. They should give information—not draft and compel legislation.

Mr. GARRETT of Tennessee. The gentleman objects especially to this particular letter which has been read?

Mr. LAGUARDIA. Absolutely. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CLARK of Florida. Mr. Chairman, I yield five minutes to the gentleman from Tennessee [Mr. AUSTIN].

Mr. AUSTIN. Mr. Chairman, the pending bill was pretty thoroughly considered by the Committee on Public Buildings and Grounds, of which I am a member, and as I understand it comes here with a unanimous report from said committee, or at least without a minority report. The committee based its action upon a very careful hearing of those charged with the responsibility of caring for the maimed and the diseased and those who will be benefited under the provisions of this bill growing out of the world war. I can not imagine why there should be any opposition to so meritorious a measure as the one under consideration. The department of the Government charged with the care and the welfare of the returning soldiers has placed the stamp of its approval and recommended in the strongest possible terms this proposed legislation. It strikes me if we are to have a public-health department, a Surgeon General's department, that those of us who are not versed in medical science, who have not given years of study to questions of this kind, should carefully weigh and consider what they say in reference to legislation touching the welfare, the needs, and requirements of the soldiers when they return home. There can be no question as to the absolute necessity of the American Congress making provision for the care, comfort, and treatment of the countless thousands of soldiers returning from over the sea, where they have won imperishable glory for our beloved country.

Mr. KNUTSON. Will the gentleman yield?

Mr. AUSTIN. In a moment. This is not the only proposition of the kind which will be submitted to us for our consideration and action, because this country was not only wholly unprepared

for war but equally unprepared to properly care for those who have borne the burden of winning this great war upon foreign shores. Thousands of returning soldiers who are wounded and maimed and diseased will be cared for in hotels which are rented temporarily for housing them, that are not equipped or constructed with a view to making them modern up-to-date hospitals. But this is only one of many similar measures which will be submitted to the American Congress which will require of us, in the performing of our duty, prompt and favorable action. Now I yield to the gentleman from Minnesota.

Mr. KNUTSON. The gentleman is a member of the Committee on Public Buildings and Grounds, and I wish to ask if in the hearings any consideration was given to the work being done at the Government hospital for tubercular soldiers near Santa Rita, N. Mex.?

Mr. AUSTIN. I think that was perhaps referred to in a general way.

Mr. KNUTSON. A part of that hospital is not used to its full capacity at this time, and it is an ideal situation—pure water, altitude of 4,000 feet, and land can be bought in immediate vicinity at \$1 and \$1.50 an acre.

Mr. AUSTIN. There will be not only a vital necessity for the full capacity of existing hospital facilities in New Mexico, but a considerable enlargement of the hospital in that State and the construction of many other hospitals in the United States.

Mr. GRAHAM of Illinois. Will the gentleman yield for a question?

Mr. AUSTIN. Yes.

Mr. GRAHAM of Illinois. Does the gentleman think now as a Member of Congress that, in his judgment, it is the right thing to do to fix the location of these various hospitals from time to time by a bill put through Congress fixing the location here and there according to places for which a majority of the Members of this House will vote?

Mr. AUSTIN. This location is virtually fixed, just as though we were to refer the selection to the head of the proper department for an investigation and recommendation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GORDON. Fixed in the discretion of the Surgeon General, is it not?

Mr. AUSTIN. Yes, sir.

Mr. GORDON. Of the Public Health Service?

Mr. AUSTIN. Fixed as the result of an investigation, report, and recommendation from the head of that department, which should not be overlooked or disregarded.

Mr. CLARK of Florida. I want to inquire of the gentleman from Michigan how many more speeches there will be on his side.

Mr. SMITH of Michigan. Mr. Chairman, how does the time stand?

The CHAIRMAN. The gentleman from Michigan [Mr. SMITH] has 5 minutes remaining and the gentleman from Florida [Mr. CLARK] 20.

Mr. SMITH of Michigan. I have only five minutes.

Mr. CLARK of Florida. How many more speeches will you have?

Mr. SMITH of Michigan. I will have only one more.

Mr. CLARK of Florida. I yield five minutes to the gentleman from Alabama [Mr. BURNETT].

Mr. BURNETT. Mr. Chairman, I was rather amused to hear the gentleman from Pennsylvania [Mr. MOORE] talking about the Democrats having brought in this wasteful bill, and yet not so much amused when we all realize and appreciate the fact that the gentleman can not make any speech unless he injects partisan politics into it.

It is not a Democratic bill. Our committee is not a partisan committee, and it never has been. Every member of it that was present agreed to this bill, and the gentleman from Tennessee [Mr. AUSTIN] has had the courage to stand by the report after a full and complete hearing before that committee. I was rather surprised and a little amused that my good friend from Michigan [Mr. SMITH], who is on the committee and who joined in the report, is actually leading the fight and controlling the time against it. You Republicans undertake to play petty politics now. It is not the time, or the place, or the bill, Mr. Chairman, where men should begin to show the cloven foot rejoicing over recent victory. This bill involves the lives of human beings; men who have worn the uniform; men who have incurred disease and affliction in defense of the flag on the other side and on this side, and it seems to me to be an inopportune time, when the lives of men hang in the balance, to talk about saving \$1,500,000.

The gentleman from Ohio [Mr. LONGWORTH] talked about this being a good time and a good bill upon which to begin retrench-



ment. Let us not retrench when we would jeopardize the lives of men who have taken their lives in their hands in defense of the Stars and Stripes. And yet that is the argument of the gentleman from Ohio.

Gentlemen, let us not descend now into petty partisan politics by delaying the passage of this bill, when it may occasion the loss of the lives of some of the boys that incurred these diseases in defense of a cause we believe to be right.

Mr. WALSH. Will the gentleman yield?

Mr. BURNETT. I have only five minutes. I beg the gentleman's pardon. With courtesy and with eminent respect for him, I can not.

Mr. Chairman, this bill was started before the comprehensive scheme for such sanatoriums was worked out. Now, is it to be delayed? The committee was considering that comprehensive scheme this morning and in a very short time will be able to complete it. But after that comprehensive bill is passed, Mr. Chairman and gentlemen, they have got to locate the places all over the country where these sanatoria ought to be placed. Here is one that the eminent, distinguished, and able health officers, whose business and duty it is to investigate these things, have already located and pointed out as an ideal location, one of the best throughout the country, as these physicians say.

Mr. Chairman, are we going to delay the passage of this bill in order that a comprehensive scheme may be worked out, in order that the representatives of the Health Bureau and the War-Risk Bureau may go all over the country for the purpose of selecting places, when some woman's boy may forfeit his life because we have not such a place?

The hospitals at cantonments, I understand, are for soldiers in service. This sanatorium is intended for discharged soldiers and sailors. These gentlemen who made the investigation stated very cogent reasons why this place ought to be selected. The strongest argument the gentleman from New York [Mr. LA GUARDIA] has made against it is that the Secretary of the Treasury has written a letter down here urging it. Shame upon such an argument as that! From time immemorial the Committee on Public Buildings and Grounds, under the chairmanship of Republicans as well as Democrats, has been accustomed to elicit from the Treasury Department and from the different departments all the information it could gain. One of the first things that is done is to refer a bill to the Treasury Department in order that just such a letter as that of which the gentleman complains, with information and instruction, may be sent to us. And if we had come here without that letter one of the first objections of leaders on the Republican side would have been that we had not received any letter or information from the Treasury Department in regard to it. We have followed the custom. It has been so for years and years, Mr. Chairman, and I think it is a good one, because certainly I am willing, for my part, to receive light from any source. While I was on the minority of that committee—and I served for years on it before the Democrats got control of the House—nobody raised the question, nobody thought about raising the question, that the Secretary of the Treasury or that the head of any department had advised us or instructed us in regard to bills.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. BURNETT. Mr. Chairman, I would like to have three minutes more.

Mr. CLARK of Florida. I yield three minutes more to the gentleman.

Mr. BURNETT. Mr. Chairman, I want to read from the testimony of Dr. Banks. He is certainly an eminent man in his profession. He is selected by the War-Risk Bureau for that particular line. He says:

We have a great many of the organic diseases like Bright's disease coming out of the Army, and rheumatic affections, and the water there at Dawson Springs, Ky., is practically the same as the Carlsbad water in Bohemia; is very efficacious as a steady drink in cases of that kind.

The idea of these professional gentlemen was that on account of the rolling character of the land, on account of the interior character, on account of the surroundings there, it was especially adapted to the treatment of tuberculous cases, and on account of the efficacy of the water it was especially adapted to cases of kidney trouble and other diseases where water of that kind would be beneficial. Therefore, for those combined purposes and in order that the matter might be expedited, this bill was reported. The gentleman from Kentucky [Mr. KINCHELOE] showed his desire to expedite the bill and made an effort to that end, but it was objected to by some gentleman on the other side when it was asked two months ago to have unanimous consent for the purpose of then getting consideration of the measure. If consideration had then been given to it, it

would have been, no doubt, quickly passed at the other end of the Capitol, and by to-day we could have been at work in constructing these buildings and preparing this ground for that purpose, and perhaps have had some of the buildings completed in a very short period of time.

Dr. Banks goes on and says:

I visited Dawson Springs at the suggestion of the Director of the War-Risk Insurance Bureau when an offer of land was made to the bureau for building purposes. I think the War-Risk Insurance Bureau has no authority to build, yet I went there for the purpose of making a recommendation, if it appeared to be a suitable place, to the Surgeon General of the Public Health Service, whose hospitals the War-Risk Bureau now utilize for the treatment of our patients. There has been offered to us a very desirable tract of land situated on high ground, on a plateau between two lakes or a continuous lake which circles around in the shape of a bowl. The water facilities there—that is, the ordinary drinking water, aside from the special spring—are excellent, and it is good farming land, suitable for the grazing of a herd of cattle, which would be necessary for a tuberculosis sanatorium.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. CLARK of Florida. Mr. Chairman, I yield to the gentleman one minute more.

The CHAIRMAN. The gentleman from Alabama is recognized for one minute more.

Mr. BURNETT. Dr. Banks proceeds to say:

There is also coal very close by, possibly on the ground itself, or at least within a mile or two or a few miles of the place, so that the question of fuel would be reduced to a minimum as far as cost goes, because there is bituminous coal in that region.

He gives cogent reasons why this place has been selected and why it is especially adapted to the purposes of a sanatorium of this kind.

Gentlemen, are you ready now in your places to assume the responsibility of playing politics and defeating this measure, and perhaps in that way causing the death of men who might be healed by the expediting of this work? I hope no gentleman will vote against this bill, and especially, Mr. Chairman, I should be ashamed of any member of the Committee on Public Buildings and Grounds who would vote against this bill, when we had the unanimous report from that committee. [Applause.]

The CHAIRMAN. The Chair made a statement a little while ago, when the inquiry was made as to the time. An error was made then. I find that the gentleman from Michigan [Mr. SMITH] has remaining 10 minutes instead of 5 minutes.

Mr. CLARK of Florida. Will the gentleman from Michigan use his time? We have but one speech more on this side.

Mr. SMITH of Michigan. I yield five minutes to the gentleman from Iowa [Mr. GREEN].

The CHAIRMAN. The gentleman from Iowa is recognized for five minutes.

Mr. GREEN of Iowa. Mr. Chairman, I expected that when an effort was made on this side to perform our duty in an orderly manner and prevent waste of money there would be a charge that we were indulging in partisan politics, but I hardly expected that it would come from my friend from Alabama [Mr. BURNETT]. This side of the House and the Republican Party have always been first to care for the soldiers properly. They are also the first to see to it that the moneys appropriated are expended in such a way as will effectuate this purpose. That is what we want done in this case. The gentleman from Alabama says the Members on this side are unwilling even to make a beginning. The gentleman is mistaken. The Members on this side are willing to make a beginning, but we want to begin right. We do not want to begin to take care of tuberculous patients in a State and climate that are not fitted for that character of work. The gentleman says that even at this time there may be some soldiers suffering for want of care and that delay is being interposed in this proceeding by the action of this side. If gentlemen on the other side wanted immediate action taken, why have they not introduced a resolution which would enable the War Department to use the sanatoriums of that department for tuberculosis? They are already constructed, but they are not being used to their full capacity, like the one to which the gentleman from Minnesota [Mr. KNUTSON] referred a moment ago, and they are located in a salubrious climate, in places where they could really do some good. This is the place where soldiers in immediate need of attention should be taken. It is said that this bill has been pending for some time and that no provision has been made for treating discharged soldiers suffering from tuberculosis. True, but gentlemen on the other side are all the more to blame for the situation. A resolution opening our partially used hospitals, hospitals constructed for the express purpose of treating tuberculosis in the Regular Army, would have passed this House long ago and upon this side by unanimous consent. But it would have taken no money from



the Treasury, and they have never introduced any resolution of that kind.

We have buildings all over the country devoted to the soldiers, not used to half of their capacity, and yet they want to construct more in a place that is entirely unsuitable for the purpose. The gentleman reads the testimony of the doctor, and what does it show? It shows that down there at this place in Kentucky they have some sunshine most of the time, that it is up on a "high plateau," that it is even so much as 600 feet high, that they have some water there that the people of Kentucky do not want to use, and that they are perfectly willing that other people should have, as it is very good for treating certain diseases, but not of any use for treating a tuberculosis patient. And, wonder of wonders, it has some woods near it, some timber, also actually has a place where you can pasture cows; and all of these things show that this is an ideal place, so gentlemen say, for the treatment of tuberculosis patients. What could be more preposterous or ridiculous? There is no single thing about the place that adapts it for the treatment of tuberculosis patients, and there is not a thing to show that the committee took any testimony to find out whether there were other places adapted for that purpose. Not a moment did they spend on that. They did not inquire as to where the best places were to locate such an asylum. Apparently they did not care. Kentucky wanted this. It wanted this \$1,860,000, and they propose to expend this sum in constructing a building down there, adorning the grounds, and improving the location and making a great resort in Kentucky where they could pasture cows and where the sun shines "70 per cent of the time." Why, they could have gone to Arizona and found a place where the hotel people are willing to let any man have his board free on any day that the sun does not shine! Yet they talk about this being a place for tuberculosis patients. One gentleman says, "Why does the gentleman from Iowa object to it?" I object to it because the people in my State do not want their boys sent there. I would not want my boy sent there if he was suffering from tuberculosis, and I do not want the other soldiers sent there. It is not a proper place for that purpose. I want them sent where there is at least some chance of improvement, if not a possibility of a cure, and I do not want the money of the people wasted on this project. [Applause on the Republican side.]

Mr. SMITH of Michigan. I yield three minutes to the gentleman from California [Mr. OSBORNE].

Mr. OSBORNE. Mr. Chairman, if this bill had come to a vote upon its passage during the last session I should certainly have voted for it, as I did for every proposition that came before the House which seemed on its face to be of value in carrying on the war or in carrying on any of its incidental activities. But the change that has taken place is very great. We are no longer confronted with the exigencies of war, which sometimes require action without careful consideration, for fear we may make a mistake by withholding some necessary or desirable war agency. I feel now, however, that conditions are so different that I doubt whether I shall vote for this bill.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. OSBORNE. I have very little time.

Mr. GARRETT of Tennessee. Does the gentleman mean that political conditions or physical conditions have changed?

Mr. OSBORNE. I mean that we have changed from the condition of war to the condition of peace.

Mr. GARRETT of Tennessee. But we still have tubercular patients to be treated.

Mr. OSBORNE. I do not refer to political conditions at all. I have shown no disposition to introduce politics in this House since I have been a Member.

Mr. GARRETT of Tennessee. I merely wanted to inquire what particular conditions the gentleman meant had changed. We still have 14,000 tubercular patients to take care of, have we not?

Mr. OSBORNE. I meant the change of conditions from war to peace.

Mr. Chairman, there are a great number of cantonments in this country, with many hospitals already constructed. There is in the State of California, at Camp Kearney, for instance, a magnificent hospital. People have been brought there from Kentucky and Tennessee whose tubercular condition has been greatly ameliorated, and if they stay there long enough I think they stand a good chance of getting well. I believe consideration should be given to those numerous cantonment properties which now belong to the United States, in connection with which there have been fitted up splendid hospitals for soldiers, and which otherwise will be abandoned, instead of now going into new projects calling for large additional expenditure on the part of the Government. I therefore shall not vote for this bill.

Mr. SMITH of Michigan. Mr. Chairman, I think I have only two minutes left. In those two minutes I want to say that a question seems to have been raised because I voted in the Committee on Public Buildings and Grounds last September to report out this bill. I have now voted against this rule and voted against going into Committee of the Whole to consider the bill. It is true that I voted in the committee to report out this bill, but I have yet to learn that if a man votes to report out a bill he is bound to support that bill when it comes up on the floor of the House.

Now, if the war had continued I would be in favor of this bill for the same reason as that stated by the gentleman from California [Mr. OSBORNE], who has just spoken. But now the war is over. In my district, I think, is located the largest sanitarium in the United States, with patients from the world over. In that district there is a cantonment, capable of taking care of 35,000 soldiers, connected with a splendid hospital. A soldier suffering from tuberculosis wants fresh air and exercise. Convalescent patients do not want to be brought in contact with soldiers suffering from contagious diseases. There is room in this city of Washington for thousands of convalescent soldiers, and there are buildings already constructed all over the country that could be used for this purpose. We had already made great preparation for the wounded and disabled soldiers by equipping and constructing a large number of hospitals and why not use those we now have standing idle and empty before constructing others at \$1,500,000 each? We will soon be asked to buy billions of liberty bonds and raise billions by taxation to pay for and maintain the hospitals already built and standing empty. Under this bill they want us to take 10,000 acres of land for park purposes. They do not say they will use that land for the purposes of this hospital, but they say, if you will devote it to park purposes and make a park of it, a Government reservation, and maintain it at large governmental expense, then they will give this land, otherwise not. But because of the very great facilities we already have in the United States for taking care of these patients it seems to me the bill is inopportune. It seems to me that it would be better policy to use the cantonments for convalescing patients than tear them down.

Mr. CLARK of Florida. Mr. Chairman, I am not going to take all the time I have left at my disposal, but there are one or two matters I would like to refer to for a moment. I shall do it by referring to what some of these gentlemen have said. The gentleman from Ohio [Mr. LONGWORTH] seems to be very much amused at land selling for \$10 to \$100. The gentleman lives in Cincinnati, and I doubt if he knows very much about the value of land in the country. Here is a tract of 1,000 to 10,000 acres of land proposed to be donated for governmental purposes. The proposition is that they will donate anywhere from 1,000 to 10,000 acres, whatever amount may be necessary. When asked by the committee what the land was valued at gentlemen there conversant with the situation stated that it was worth from \$10 to \$100 an acre. The land on the hills was worth about \$10 an acre and the land in the valley was worth about \$100 an acre. There is nothing very remarkable about that, and it is about as near a correct judgment as any man who knows anything about estimating the value of land can give when considering property of that kind.

Mr. Chairman, there has been so much misstatement about this matter, there has been so much of error, that it is hard to keep up with it. What is the situation? This is the first time in my 14 years of service in this House that I have seen a report from the Committee on Public Buildings and Grounds, which has never been a political committee, being made the means of involving the House in a political fight. It will be remembered that there was an effort made to pass this bill in the last session of Congress before adjournment, and it went out then because a Republican Member of the House made the point of no quorum. We have found that the Republicans have been fighting this bill from that good hour to this. For what purpose? What is the reason of it? Why should the Republican Party in this House line up almost to a man against a bill intended to alleviate human suffering, the ills of the boys who have gone to the front? You can not escape it; that is the position you are in. There is absolutely no possible escape from it.

Gentlemen ask, Why do you not put them in the hospitals that the Government already has—37 hospitals it has been said that we now own? I do not know how many we do own, but I know the testimony of Col. Banks shows that these hospitals are all being used by the men in the active service of the Army and Navy and are not open to men such as we propose to take care of in this bill. Here is what he says:

There are only two classes of hospitals now to which we can send these discharged soldiers and sailors, the hospitals known as Public Health Service hospitals and the Indian medical service, because the Army and Navy hospitals are not open for the treatment of civilians.



He says further that they are entirely occupied in the treatment of men connected with the active service in the war. And yet gentlemen stand here and quibble and say, Why do you not send them to the hospitals already established? The testimony of the medical officers of the Government is to the effect that under the law they can not be sent there, and the further fact that they are already occupied fully by these men in the active service.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. CLARK of Florida. Let me get through, and then I will. My friend from Massachusetts said that the law did not require the building of these hospitals. Here is what the law says, and I quote it from the report:

The war-risk insurance act provides that all discharged soldiers and sailors shall be treated in the Government hospitals, or, as the language of the act is, "shall be furnished governmental hospital, medical, and surgical service."

There is the contract which the Congress of the United States made with these men when they went into the service of their country, that they should be furnished with "hospital, medical, and surgical service," and yet the gentleman says that the law does not require it.

Mr. Chairman, I want to call your attention to one or two more things. My friend from Indiana [Mr. Wood] said that Dawson Springs was the worst place on earth to send tuberculous patients. I looked at him and wondered if it were true that Col. Banks and Dr. Stimson, assistant to Gen. Blue, knew absolutely nothing about tubercular treatment. As I gazed upon him I wondered, "and still the wonder grew that one small head could carry all he knew."

These gentlemen know nothing about it—Dr. Banks, an eminent physician, and Dr. Stimson, for years eminent in the Public Health Service—and yet it remains for the gentleman from Indiana to discover that although these gentlemen went down and examined the location and made the request of Congress that this place be selected, they knew nothing about it, but he knew it all.

There is one other point that I desire to call to the attention of the House in this record. There are 14,000 of these men now, and the testimony is that there will probably be, in the years 1918 and 1919, 34,000 more, but all of these will not seek hospital treatment. The Public Health Service thought probably 75 per cent, or some 26,000 of them, would seek it.

Mr. GOOD. Mr. Chairman, will the gentleman yield?

Mr. CLARK of Florida. In a moment. I want to say further with respect to the cost of the hospital that Mr. Perry, the architect in the Public Health Service, testified before the committee that under existing conditions, under the high war prices, it would cost, in his judgment, at least \$3,000 a bed to build an up-to-date modern hospital with all the modern appliances and appurtenances which belong to it. He said that under normal times they figured they could construct such a hospital for about \$2,000 a bed, but that includes every building that belongs to it. That includes all of the furniture and everything else on the ground. They figure it by the bed. That is the way that they get at the cost of the entire structure. I yield to the gentleman from Iowa.

Mr. GOOD. The estimate with regard to the hospital facilities that would be necessary next year was made about 60 days ago, was it not, or longer, and was based on our continuing in the war?

Mr. CLARK of Florida. Yes; but we have still got 14,000 of these tubercular men now asking that they be taken care of. We had 14,000 two months ago, about the 18th of September. Those men have not been provided for and others have come on since. But my friend from Iowa goes out of his way to attack the Secretary of the Navy. He says that three days after the armistice was signed there was an advertisement in Josephus Daniels's paper calling for 12,000 men to finish or to build some cantonment at Fayetteville, N. C., or some other place.

That advertisement had probably been running for some time. The gentleman will not say that that was the first insertion of it, and he will not say that the Secretary of the Navy sent it out after the armistice was signed. If he did, I guarantee that he had good reasons for it, because I want to say that of all the men engaged in this great war, of all the men in the different departments, when the history of the war shall come to be written in the future, the faithful and impartial and unpolitical historian will write the name of Josephus Daniels high in the temple of fame. [Applause.]

Mr. GOOD. Mr. Chairman, will the gentleman yield?

Mr. CLARK of Florida. Yes.

Mr. GOOD. I will say that the information that I received was contained in a letter written from North Carolina, in which the writer says:

With the war over—

Mr. CLARK of Florida. Oh, I did not yield for that.

Mr. GOOD—

With the war over, why all this waste—

Mr. CLARK of Florida. Mr. Chairman, I yielded for a question. The gentleman has not asked a question, but he proceeded to read a letter from some politician in North Carolina.

Mr. GOOD. He is not a politician, he is a manufacturer.

Mr. CLARK of Florida. When you get down to this whole proposition it is simply this: The department asks for this building, and my little friend from New York [Mr. LA GUARDIA], who has been over fighting on the other side, tells us what the boys are going to do when they get back. Mr. Chairman, I want some of the crippled boys we are trying to take care of, some of the fellows who got hit, some of the fellows that can give some evidence that they were where shot and shell were flying, to come back and tell me what they want us to do.

Mr. GOOD. You will not find any of them among the Members of the Democratic side of the House who left here to go over and fight.

The CHAIRMAN. The time of the gentleman from Florida has expired. All time has expired.

Mr. CLARK of Florida. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FOSTER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12917 and had come to no resolution thereon.

#### CALENDAR WEDNESDAY.

Mr. KITCHIN. Mr. Speaker, I am going to ask unanimous consent to dispense with business in order to-morrow, Calendar Wednesday, so that we can continue with the consideration of this bill. If that be agreed to, I will state that it is my intention to ask, when we adjourn to-morrow night, to adjourn until Saturday.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to do away with the business in order on to-morrow, Calendar Wednesday.

Mr. BURNETT. Mr. Speaker, may I ask the gentleman if we could not have Thursday on the Private Calendar or something else that is ready, without losing that day? We have got a lot of business on the Private Calendar.

Mr. KITCHIN. We would have to get unanimous consent for that. I am trying to get unanimous consent to do away with Calendar Wednesday to-morrow.

Mr. BURNETT. I do not think we ought to waste the day when we have a calendar here that ought to be disposed of. I do not object to dispensing with Calendar Wednesday, but I am talking about the adjournment over Thursday.

Mr. KITCHIN. I appended that to my remarks on the ground I have conferred with some of the Members who would probably object to dispensing with Calendar Wednesday unless it was in conjunction with unanimous consent to adjourn until Saturday after finishing this bill. I ask unanimous consent, Mr. Speaker, that the business on Calendar Wednesday, to-morrow, be dispensed with.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the business on Calendar Wednesday, for to-morrow be dispensed with. Is there objection? [After a pause.] The Chair hears none.

#### ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 4 minutes) the House adjourned until to-morrow, Wednesday, December 4, 1918, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior submitting a supplemental estimate of appropriation required by the department for the fiscal year 1920 (H. Doc. No. 1461); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Navy submitting a supplemental estimate of appropriation required by the Navy Department for gathering the naval records of the war with the central powers of Europe (H. Doc. No. 1462); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting copy of a communication from the United States Employees'

Compensation Commission submitting a supplemental estimate of appropriation required by the commission for the fiscal year 1919 (H. Doc. No. 1463); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Attorney General submitting a supplemental estimate of appropriation required by the Department of Justice for the fiscal year 1920 (H. Doc. No. 1464); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Comptroller of the Treasury submitting a proposed paragraph of legislation relating to auditing accounts abroad (H. Doc. No. 1465); to the Committee on Appropriations and ordered to be printed.

6. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of Agriculture submitting a supplemental estimate of appropriation for increases in salaries of officers and employees of the Department of Agriculture for the fiscal year 1920 (H. Doc. No. 1466); to the Committee on Agriculture and ordered to be printed.

7. A letter from the Secretary of the Treasury, transmitting copy of a communication from the chairman of the United States Tariff Commission submitting a supplemental estimate of appropriation required by the commission for the fiscal year 1919 (H. Doc. No. 1467); to the Committee on Appropriations and ordered to be printed.

8. A letter from the Superintendent of the Library Building and Grounds, transmitting statement required by section 6, legislative act of July 3, 1918, regarding increased compensation paid employees under this office (H. Doc. No. 1468); to the Committee on Appropriations and ordered to be printed.

9. A letter from the Assistant Secretary of the Department of Labor, transmitting statement in relation to increased rates of compensation to employees of the Department of Labor, required by section 6 of the legislative act approved July 3, 1918 (H. Doc. No. 1469); to the Committee on Appropriations and ordered to be printed.

10. A letter from the Superintendent of the Library Building and Grounds, transmitting information regarding purchases of typewriting machines and exchanges made in part payment thereof by Library of Congress during the fiscal year 1918 (H. Doc. No. 1470); to the Committee on Appropriations and ordered to be printed.

11. A letter from the Secretary of the Treasury, transmitting report relating to purchase and exchange of typewriters and other similar labor-saving devices during the fiscal year ended June 30, 1918 (H. Doc. No. 1471); to the Committee on Appropriations and ordered to be printed.

12. A letter from the Secretary of the Treasury, transmitting report of the contingent expenses of the Treasury Department for the fiscal year ended June 30, 1918 (H. Doc. No. 1472); to the Committee on Expenditures in the Treasury Department and ordered to be printed.

13. A letter from the Postmaster General, transmitting statement showing the per annum salary of employees at each censorship station, for the censorship of foreign mails, as of November 30, 1918 (H. Doc. No. 1473); to the Committee on Expenditures in the Post Office Department and ordered to be printed.

14. A letter from the Assistant Secretary of Labor, transmitting detailed statement of expenditures from appropriations "Contingent expenses Department of Labor, 1918," for the period from November 18, 1917, to November 7, 1918; "Contingent expenses, Department of Labor, 1917," for the period from November 18, 1917, to November 7, 1918; and "Contingent expenses, Department of Labor, 1918," for the period from July 1, 1917, to November 7, 1918 (H. Doc. No. 1474); to the Committee on Expenditures in the Department of Labor, and ordered to be printed.

15. A letter from the Assistant Secretary of Labor, transmitting statement of travel performed during the fiscal year ended June 30, 1918, by officers and employees of the Department of Labor, on official business to points outside of the District of Columbia (H. Doc. No. 1475); to the Committee on Expenditures in the Department of Labor and ordered to be printed.

16. A letter from the Secretary of the Treasury, transmitting statement of officers and employees of various bureaus of the Treasury Department, who traveled on official business to points outside of the District of Columbia, fiscal year ended June 30, 1918 (H. Doc. No. 1476); to the Committee on Expenditures in the Treasury Department and ordered to be printed.

17. A letter from the Secretary of Agriculture, transmitting statement of number of persons employed in meat-inspection service, their duties, places of employment, and contingent expenses, fiscal year ended June 30, 1918 (H. Doc. No. 1477); to

the Committee on Expenditures in the Department of Agriculture and ordered to be printed.

18. A letter from the Secretary of War, transmitting statement number employees Washington office, Panama Canal, receiving increased compensation at the rate of \$120 per annum, etc., during first four months of the present fiscal year (H. Doc. No. 1478); to the Committee on Appropriations and ordered to be printed.

19. A letter from the Librarian of Congress, transmitting statement average number of employees in the Library of Congress proper (including Copyright Office) receiving the increased compensation at the rate of \$120 per annum for first four months of fiscal year 1919 (H. Doc. No. 1479); to the Committee on Appropriations and ordered to be printed.

20. A letter from the Chairman of the Federal Trade Commission, transmitting special report dealing with the subject of resale price maintenance (H. Doc. No. 1480); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

21. A letter from the Secretary of the Treasury, transmitting statement of expenditures under appropriations on account of first, second, third, and fourth liberty loan and war-savings certificates to October 31, 1918, and expenditures in the purchase of obligations of foreign Governments to November 15, 1918 (H. Doc. No. 1481); to the Committee on Expenditures in the Treasury Department and ordered to be printed.

22. A letter from the Secretary of the Treasury, transmitting estimates of appropriations for defraying the expenses of collecting the revenue from customs for the fiscal year ending June 30, 1920 (H. Doc. No. 1482); to the Committee on Appropriations and ordered to be printed.

23. A letter from the Superintendent of the United States Botanic Gardens, transmitting statement required by section 6, legislative act of July 3, 1918, regarding increased compensation paid employees under this office (H. Doc. No. 1483); to the Committee on Appropriations and ordered to be printed.

24. A letter from the Secretary of the Treasury, transmitting estimate of appropriation for consideration in connection with the next deficiency bill (H. Doc. No. 1484); to the Committee on Appropriations and ordered to be printed.

25. A letter from the chairman of Capital Issues Committee, transmitting report of Capital Issues Committee (H. Doc. No. 1485); to the Committee on Ways and Means and ordered to be printed.

26. A letter from the Secretary of the Interior, transmitting a detailed report of the expenditures made in per capita payments to the Apache, Kiowa, and Comanche Indians during the fiscal year ended June 30, 1918 (H. Doc. No. 1486); to the Committee on Indian Affairs and ordered to be printed.

27. A letter from the Secretary of the Interior, transmitting a detailed report of the expenditures made from tribal funds of the Confederated Bands of Utes during the fiscal year ended June 30, 1918 (H. Doc. No. 1487); to the Committee on Indian Affairs and ordered to be printed.

28. A letter from the Secretary of the Interior, transmitting a statement of expenditures from the tribal funds of the Black-foot Indians of Montana for the fiscal year ended June 30, 1918 (H. Doc. No. 1488); to the Committee on Indian Affairs and ordered to be printed.

29. A letter from the Secretary of the Interior, transmitting a report of expenditures made for the purchase of cattle for the benefit of Indians on the Standing Rock Reservation in North Dakota and South Dakota for the fiscal year ended June 30, 1918 (H. Doc. No. 1489); to the Committee on Indian Affairs and ordered to be printed.

30. A letter from the Secretary of the Interior, transmitting statement of the fiscal affairs of all Indian tribes for whose benefit expenditures from the public or tribal funds were made during the fiscal year ended June 30, 1918 (H. Doc. No. 1490); to the Committee on Indian Affairs and ordered to be printed.

31. A letter from the United States Court of Claims, transmitting judgment rendered by the Court of Claims for the year ended November 30, 1918 (H. Doc. No. 1491); to the Committee on Claims and ordered to be printed.

32. A letter from the Secretary of the Interior, transmitting a report for the fiscal year 1918 (H. Doc. No. 1492); to the Committee on Indian Affairs and ordered to be printed.

33. A letter from the Secretary of the Interior, transmitting a detailed statement of expenditures from the tribal funds of the Chippewa Indians, of Minnesota, for the fiscal year ended June 30, 1918 (H. Doc. No. 1493); to the Committee on Indian Affairs and ordered to be printed.

34. A letter from the Secretary of the Interior, transmitting tables showing the cost and other data with respect to Indian



irrigation projects as compiled to the end of the fiscal year 1918 (H. Doc. No. 1494); to the Committee on Indian Affairs and ordered to be printed.

35. A letter from the Secretary of War, transmitting report of the National Reservation Commission for the fiscal year ended June 30, 1918 (H. Doc. No. 1495); to the Committee on Agriculture and ordered to be printed.

36. A letter from the Secretary of War, transmitting statement showing by bureaus and offices the number and designation the persons employed temporarily in the War Department (H. Doc. No. 1496); to the Committee on Appropriations and ordered to be printed.

37. A letter from the Secretary of the Treasury, transmitting statement of expenditures in the office of the Auditor of the War Department, the office of the Auditor of the Navy Department, and the offices of the assistant treasurers at New York, San Francisco, and New Orleans (H. Doc. No. 1497); to the Committee on Expenditures in the Treasury Department and ordered to be printed.

38. A letter from the Secretary of the Interior, transmitting a statement of receipts from rentals, extension of Capitol Grounds, for the period December 1, 1917, to October 31, 1918 (H. Doc. No. 1498); to the Committee on Appropriations and ordered to be printed.

39. A letter from the Superintendent of the Library Buildings and Grounds, transmitting information relative to travel in connection with official business during the fiscal year 1918 (H. Doc. No. 1499); to the Committee on Appropriations and ordered to be printed.

40. A letter from the Secretary of the Interior, transmitting a report of all moneys collected and deposited during the fiscal year ended June 30, 1918, under the appropriation "Determining heirs of deceased Indian allottees, 1918" (H. Doc. No. 1500); to the Committee on Indian Affairs and ordered to be printed.

41. A letter from the Secretary of the Interior, transmitting a statement of expenditures on account of the Indian Service for the fiscal year ended June 30, 1918 (H. Doc. No. 1501); to the Committee on Expenditures in the Department of the Interior and ordered to be printed.

42. A letter from the Secretary of the Interior, transmitting a report for the fiscal year ended June 30, 1918, relating to the appropriation "Indian schools, support, 1918" (H. Doc. No. 1502); to the Committee on Indian Affairs and ordered to be printed.

43. A letter from the Secretary of the Interior, transmitting a detailed report of the expenditures made for the purpose of encouraging industry among the Indians of the various reservations during the fiscal year ended June 30, 1918 (H. Doc. No. 1503); to the Committee on Indian Affairs and ordered to be printed.

44. A letter from the Secretary of the Interior, transmitting a detailed report of the expenditures made for the purchase of cattle for the Northern Cheyenne Indians on the Tongue River Reservation, Mont., for the fiscal year ended June 30, 1918 (H. Doc. No. 1504); to the Committee on Indian Affairs and ordered to be printed.

45. A letter from the Secretary of the Interior, transmitting a report of expenditures from the permanent fund of the Sioux Indians during the fiscal year ended June 30, 1918 (H. Doc. No. 1505); to the Committee on Indian Affairs and ordered to be printed.

46. A letter from the Secretary of the Interior, transmitting a report showing the diversion of appropriations for the pay of specified employees in the Indian Service for the fiscal year ended June 30, 1918 (H. Doc. No. 1506); to the Committee on Indian Affairs and ordered to be printed.

47. A letter from the Secretary of the Interior, transmitting a detailed report of expenditures made for the purpose of encouraging industry and support among the Indians on the Tongue Reservation, Mont., during the fiscal year ended June 30, 1918 (H. Doc. No. 1507); to the Committee on Indian Affairs and ordered to be printed.

48. A letter from the Secretary of the Interior, transmitting a statement of the cost of all survey and allotment work on Indian reservations for the fiscal year ended June 30, 1918 (H. Doc. No. 1508); to the Committee on Indian Affairs and ordered to be printed.

49. A letter from the Secretary of the Interior, transmitting a statement of the expenditures for the fiscal year ended June 30, 1918, of money carried on the books of this department under the caption, "Indian moneys, proceeds of labor" (H. Doc. No. 1509); to the Committee on Indian Affairs and ordered to be printed.

50. A letter from the Secretary of the Interior, transmitting a detailed report of the expenditures made for the purpose of encouraging industry among the Indians of the various reservations during the fiscal year ended June 30, 1918 (H. Doc. No. 1510); to the Committee on Indian Affairs and ordered to be printed.

51. A letter from the Superintendent of the Botanic Gardens, transmitting information relative to travel from Washington, D. C., in connection with official business during the fiscal year 1918 (H. Doc. No. 1511); to the Committee on Appropriations and ordered to be printed.

52. A letter from the Secretary of War, transmitting statements of expenditures, increase of compensation for the first four months of the fiscal year 1919 (H. Doc. No. 1512); to the Committee on Appropriations and ordered to be printed.

53. A letter from the Secretary of the Treasury, transmitting report with respect to the operations of the War Finance Corporation (H. Doc. No. 1513); to the Committee on Ways and Means and ordered to be printed.

54. A letter from the Secretary of War, transmitting a report showing sales of war supplies, material, lands, factories, or buildings and equipment by each of the several bureaus and departments of the War Department (H. Doc. No. 1514); to the Committee on Military Affairs and ordered to be printed.

55. A letter from the Secretary of the Interior, transmitting financial report of St. Elizabeths Hospital for the Insane (H. Doc. No. 1515); to the Committee on Expenditures in the Interior Department and ordered to be printed.

56. A letter from the Secretary of the Interior, transmitting detailed statement of receipts and expenditures on account of pay patients at Freedmen's Hospital for the fiscal year ended June 30, 1918 (H. Doc. No. 1516); to the Committee on Expenditures in the Interior Department and ordered to be printed.

57. A letter from the Secretary of the Interior, transmitting report that no diversions or expenditures were made from appropriations for purchase of subsistence for the several Indian tribes during the fiscal year ended June 30, 1918 (H. Doc. No. 1517); to the Committee on Indian Affairs and ordered to be printed.

58. A letter from the Secretary of the Interior, transmitting detailed statement of expenditures for professional and other services at Freedmen's Hospital for the fiscal year ended June 30, 1918 (H. Doc. No. 1518); to the Committee on Expenditures in the Interior Department and ordered to be printed.

59. A letter from the Secretary of the Interior, transmitting report showing proceeds from sale of supplies and obsolete material and equipment and collections from town-site assessments for the fiscal year ended June 30, 1918 (H. Doc. No. 1519); to the Committee on Appropriations and ordered to be printed.

60. A letter from the Secretary of Agriculture, transmitting report showing condition and character of papers not needed in the transaction of business and the amount of proceeds from the sale of such papers deemed useless (H. Doc. No. 1520); to the Committee on Disposition of Useless Executive Papers and ordered to be printed.

61. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report showing status of water terminals at cities and towns along the Ohio River between Pittsburgh and Cairo (H. Doc. No. 1521); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

62. A letter from the Secretary of the Interior, transmitting report that there have been no hostilities by any tribe of Indians with which the United States has treaty stipulations during the year 1918 (H. Doc. No. 1522); to the Committee on Indian Affairs and ordered to be printed.

63. A letter from the Secretary of the Interior, transmitting report of disbursements for the fiscal year ending June 30, 1919, under acts of Congress, for the endowment and support of colleges of agriculture and mechanic arts (H. Doc. No. 1523); to the Committee on Agriculture and ordered to be printed.

64. A letter from the Secretary of the Interior, transmitting report that no expenditures were made during the fiscal year ended June 30, 1918, for construction of hospitals from the appropriation "Relieving distress and prevention of disease among Indians" (H. Doc. No. 1524); to the Committee on Indian Affairs and ordered to be printed.

65. A letter from the Secretary of the Interior, transmitting a report for the fiscal year ending June 30, 1918, showing exchange of typewriters, adding machines, etc. (H. Doc. No. 1525); to the Committee on Appropriations and ordered to be printed.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. JOHNSON of Kentucky (by request of the Commissioners of the District of Columbia): A bill (H. R. 13194) to enlarge the powers of the Commissioners of the District of Columbia relative to the public health; to the Committee on the District of Columbia.

By Mr. OSBORNE: A bill (H. R. 13195) to prohibit the public or private display within the United States of America and its Territories and possessions of certain flags and emblems and prescribing penalties for the violation thereof; to the Committee on the Judiciary.

By Mr. HICKS: A bill (H. R. 13196) to provide that every person receiving an honorable discharge shall retain as his personal property without cost his uniform and other clothing; to the Committee on Military Affairs.

Also, a bill (H. R. 13197) to prescribe the personnel of the Navy Nurse Corps, the qualifications for appointment, and the method of appointment therein, the pay, allowances, and leave of absence of members of said corps, and the conditions under which they may be retired, and for other purposes; to the Committee on Naval Affairs.

By Mr. GOULD: A bill (H. R. 13198) providing for the distribution of ordnance captured or acquired by the American expeditionary forces in the war with Germany and Austria-Hungary; to the Committee on Military Affairs.

By Mr. CHANDLER of Oklahoma: A bill (H. R. 13199) to refer all claims of the Cherokee, Creek, and Seminole Indians, whether as individuals or otherwise, to the Court of Claims; to the Committee on Indian Affairs.

By Mr. FRENCH: A bill (H. R. 13200) to eliminate the necessity for most of the expenses and work in connection with the Dead Letter Division of the Post Office Department; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 13201) to provide for the retention by officers, soldiers, sailors, and marines of uniforms, clothing, and other articles upon their honorable discharge from service; to the Committee on Military Affairs.

By Mr. SWEET: A bill (H. R. 13202) to repeal all of Title II of an act "To provide further for the national security and defense, and for the purpose of assisting in the prosecution of the war, to provide credits for industries and enterprises in the United States necessary or contributory to the prosecution of the war, and to supervise the issuance of securities, and for other purposes," approved April 5, 1918; to the Committee on Interstate and Foreign Commerce.

By Mr. BIRCH: A bill (H. R. 13203) for the purchase of a site and the erection of a public building at Dover, N. J.; to the Committee on Public Buildings and Grounds.

By Mr. ALEXANDER: A bill (H. R. 13204) to establish load lines for vessels in foreign trade; to the Committee on the Merchant Marine and Fisheries.

By Mr. JONES: A bill (H. R. 13205) to provide for the retention of all uniforms issued to soldiers and sailors of the United States who have been honorably discharged, and providing also for the privilege of using same; to the Committee on Military Affairs.

By Mr. CLAYPOOL: Resolution (H. Res. 463) to initiate the necessary steps to open opportunities for employment to all workers in the United States who face enforced idleness; to the Committee on Rules.

By Mr. GALLAGHER: Joint resolution (H. J. Res. 357) requesting the commissioners plenipotentiary of the United States of America to the international peace conference to present to the said conference the right of Ireland to freedom, independence, and self-determination; to the Committee on Foreign Affairs.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 13206) granting an increase of pension to Angeline McVicker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13207) granting an increase of pension to Joseph Brinton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13208) granting a pension to Cora Mitchell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13209) granting a pension to Susan Rowe; to the Committee on Pensions.

By Mr. CANTRILL: A bill (H. R. 13210) granting an increase of pension to Simon Reeder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13211) granting an increase of pension to Anderson Adams; to the Committee on Invalid Pensions.

By Mr. CRAGO: A bill (H. R. 13212) granting an increase of pension to John Wells; to the Committee on Invalid Pensions.

By Mr. FIELDS: A bill (H. R. 13213) granting a pension to Matilda Mitchell; to the Committee on Invalid Pensions.

By Mr. HICKS: A bill (H. R. 13214) to provide for the payment to Mrs. Erastus Bennett of insurance money of Pvt. Joseph Griffin; to Committee on Interstate and Foreign Commerce.

By Mr. JUUL: A bill (H. R. 13215) granting a pension to John S. Dornblaser; to the Committee on Pensions.

By Mr. KIESS of Pennsylvania: A bill (H. R. 13216) granting an increase of pension to Flemon M. Smith; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 13217) granting an increase of pension to Edward A. Lane; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13218) granting an increase of pension to William V. Richardson; to the Committee on Pensions.

Also, a bill (H. R. 13219) granting a pension to Ellen J. Kidwell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13220) granting a pension to Samuel L. Ensminger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13221) granting a pension to William Mendenhall; to the Committee on Pensions.

By Mr. SHERWOOD: A bill (H. R. 13222) granting an increase of pension to John Speaks; to the Committee on Invalid Pensions.

By Mr. SISSON: A bill (H. R. 13223) to relinquish, release, remise, and quitclaim all right, title, and interest of the United States in and to certain lands in the State of Mississippi; to the Committee on the Public Lands.

By Mr. SNOOK: A bill (H. R. 13224) granting a pension to Charlotte Perry; to the Committee on Invalid Pensions.

By Mr. SWITZER: A bill (H. R. 13225) for the relief of the Kanawha & Ohio Transfer Co.; to the Committee on Claims.

By Mr. TILSON: A bill (H. R. 13226) granting a pension to Emma A. Glenney; to the Committee on Invalid Pensions.

By Mr. VINSON: A bill (H. R. 13227) for the relief of Della James; to the Committee on Claims.

By Mr. WATSON of Pennsylvania: A bill (H. R. 13228) granting an increase of pension to Nicholas Baggs; to the Committee on Invalid Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Resolution of a mass meeting of the Jugo-Slav societies of St. Louis, Mo., relative to the disposition of Jugo-Slav territory by peace conference; to the Committee on Foreign Affairs.

By Mr. DALE of New York: Petition of Bricklayers' International Union No. 9, Brooklyn, N. Y., recommending measures to prevent another great war; to the Committee on Foreign Affairs.

By Mr. DARROW: Resolution of the Rotary Club of Philadelphia, favoring legislation for the retirement of superannuated Government employees; to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: Petition of Local Union No. 66, Journeymen Tailors' Union of America, La Crosse, Wis., protesting against 20 per cent tax on clothing; to the Committee on Ways and Means.

By Mr. MAGEE: Petition of Lamson Grange, No. 588, Lamson, N. Y., in opposition to the postal zone rate law; to the Committee on Post Offices and Post Roads.

By Mr. JOHN W. RAINEY: Resolution of city council of the city of Chicago, Ill., favoring the bill designating November 11 as a national holiday; to the Committee on the Library.

By Mr. RANDALL: Resolutions of the Friday Morning Club of Los Angeles and of the Principals' Club of the Los Angeles City Schools, indorsing the creation of a department of education; to the Committee on Education.

By Mr. VARE: Petition of the board of directors of the Philadelphia Bourse, requesting passage of the civil-service retirement and pension bill; to the Committee on Interstate and Foreign Commerce.

Also, appeal of the Market Street Merchants' Association of Philadelphia, for the passage of the bill for the retirement of civil Government employees; to the Committee on Interstate and Foreign Commerce.